

(2) requiring the Defendants to show cause as to why they should not convey the Hospital Property with the Hospital buildings, structures and improvements intact, in accordance with the Act.

This decree shall remain in effect until such time as it may be rescinded or vacated by the Court. Pursuant to Rule 1531 Pa.R.C.P., Plaintiff shall post a bond in the amount of \$ as a condition of enforcement of this decree.

BY THE COURT:

J.

By: Suzanne Ilene Schiller, Esq. (PA ID No. 68206)
Jill Hyman Kaplan, Esq. (PA ID No. 50928)
Zachary J. Koslap, Esq. (PA ID No. 320710)
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
(484) 430-5700

Nat L. Hyman

NAT L. HYMAN,

• • • • •

No_____

Plaintiff,

V.

DEPARTMENT OF GENERAL SERVICES
OF THE COMMONWEALTH OF
PENNSYLVANIA; and CURT
TOPPER, SECRETARY OF GENERAL
SERVICES,

Defendants.

Plaintiff Nat L. Hyman (“Mr. Hyman”) hereby moves this Honorable Court to grant him a Preliminary Injunction and to issue an Order to Show Cause against Defendants the Department of General Services of the Commonwealth of Pennsylvania (“Department”) and Curt Topper, Secretary of General Services (“Secretary”) (collectively, “Defendants”).

Plaintiff moves for a preliminary injunction to restore and maintain the status quo of the parties before Defendants violate the Act of Dec. 22, 2017, P.L. 1268, No. 82, Cl. 85 (the “Act”)

by permanently and completely demolishing and destroying the Allentown State Hospital (the “Hospital”), a historic campus of buildings designated as eligible for the National Register of Historic Places and listed on the Pennsylvania Register of Historic Places, at a cost to Commonwealth taxpayers of more than fifteen million dollars. Plaintiff seeks relief from this Court because he has no other recourse to seek the enforcement of the Act. The requested relief is narrowly tailored to enforce the Act and the need for it is plain, urgent, and in the public interest.

In support hereof, Plaintiff avers as follows:

BACKGROUND

1. Plaintiff hereby incorporates by reference all of the allegations and factual averments in his Complaint as though set forth more fully at length below. A true and correct copy of the Complaint is attached hereto as Exhibit 1.

2. On December 22, 2017, the General Assembly of the Commonwealth of Pennsylvania passed the Act, granting authority to the Department to convey the Hospital property, located at 1600 Hanover Avenue in Allentown, Pennsylvania (“Hospital Property”), to TCA Properties, L.P. (“TCA Properties”), *“together with any buildings, structures or improvements thereon[.]”* Compl., Ex. A § 1(a) (emphasis added).

3. The Act described the tracts of land to be conveyed as consisting of “land *and improvements located thereon[.]”* *Id.* § 1(b) (emphasis added).

4. After receiving authority to convey the Hospital Property, the Department consulted with the Pennsylvania State Historic Preservation Office (“Historic Preservation Office”), a bureau within the Pennsylvania Historical and Museum Commission (“Historical and Museum Commission”). In accordance with the Pennsylvania History Code, 37 Pa.C.S. § 101

et. seq. (“History Code”), because the Hospital is eligible for the National Register of Historic Places and is listed on the Pennsylvania Register of Historic Places, the Department was required to consult with the Historical and Museum Commission “before demolishing, altering or transferring any property under [the Commonwealth’s] ownership or control that is or may be of historical, architectural or archaeological significance.” 37 Pa.C.S. § 508(a)(1).

5. The Department is required during this consultation to “[s]eek the advice of the commission on possible alternatives to the demolition, alteration or transfer of property under [its] ownership or control that is on or may be eligible for the Pennsylvania Register of Historic Places.” 37 Pa.C.S. § 508(a)(2).

6. More concretely, the Department is required to “[i]nstitute procedures and policies to assure that [its] plans, programs, codes, regulations and activities contribute to the ***preservation and enhancement*** of all historic resources in this Commonwealth.” 37 Pa.C.S. § 508(a)(4) (emphasis added).

7. The Department has wide latitude to institute procedures enhancing historic resources and possible alternatives to demolition of historic buildings and structures to effectuate a property conveyance, because “Commonwealth agencies may condition the transfer [of property] and may execute covenants, deed restrictions or other contractual arrangements which will most likely result in the preservation of any historic resources located on or under the property to be transferred.” 37 Pa.C.S. § 509.

8. In fact, the Act gives the Secretary the express authority to “impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.” Compl., Ex. A § 1(e).

9. In accordance with the History Code, the Department submitted a Project Review Form dated February 12, 2018 to the Historic Preservation Office (“February Review Form”), requesting the consultation of the Historic Preservation Office in connection with the conveyance of the Hospital. Compl., Ex. C.

10. The Department indicated that the basis for requesting consultation from the Historic Preservation Office was for the “disposition” of the Hospital Property, and not “demolition.”

11. In response to the February Review Form, the Historic Preservation Office concluded that “there should be an examination of alternatives for adaptive reuse of the buildings as part of the environmental process and disposition of the plan.” Compl., Ex. B p. 1.

12. Additionally, the Historic Preservation Office went on to say that:

Per the appraiser’s evaluation, many of the buildings due to their overall condition and general maintenance that they have received, are in average condition, and *may be viable for rehabilitation and reuse*. Even those buildings that had not been included in the overall usable square footage may have potential rehabilitation potential. *A practical plan for redevelopment of the campus should balance historic preservation and economic development.*

Compl., Ex. B p. 2 (emphasis added).

13. Contrary to the Department’s legal obligations under the Act and the History Code to preserve the Hospital, the Department submitted a Project Review Form to the Historic Preservation Office, dated August 17, 2018 (“August Review Form”), which included a proposal for the “removal of all 35 buildings and below grade utility tunnels.” Compl., Ex. D.¹

¹ The August Review Form relied on in this Motion and the Complaint was obtained from the Department pursuant to a Right to Know Request. Mr. Hyman has no knowledge if the August Review Form obtained from the Department is full and complete.

14. Although the Historical and Museum Commission responded to the Department in a letter dated December 3, 2018 (“December 3rd Letter”), stating that “[t]he demolition of the hospital complex will adversely affect the property as it will no longer be able to convey its historic and architectural significance,” Compl., Ex. F, the Department sought bids for the demolition of “approximately 38 Buildings/Structures” of the Hospital on November 30, 2018. Compl., Ex. G.

15. The Department’s bid solicitation indicates that all bids were due on April 1, 2019.

16. Upon information and belief, the Secretary has not exercised his authority under the Act to “impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.” Compl., Ex. A § 1(e).

17. Upon information and belief, the Department has not exercised its authority under the History Code to condition the transfer of the Hospital or execute covenants, deed restrictions or other contractual arrangements “which will most likely result in the preservation of any historic resources located on or under the property to be transferred.” 37 Pa.C.S. § 509.

18. Upon information and belief, the Department has not performed its duty under the History Code to institute procedures or policies to assure that its disposition of the Hospital “contribute[s] to the *preservation and enhancement* of all historic resources in this Commonwealth.” 37 Pa.C.S. § 508(a)(4) (emphasis added).

19. Upon information and belief, the Defendants plan to proceed with the total demolition of the Hospital, and convey the Hospital Property to TCA Properties without any

buildings, structures, or improvements thereon, which abdicates Defendants' duties under the History Code and violates the express terms of the Act.

20. Mr. Hyman values the historic and architectural significance of the Hospital, and enjoys the benefits the Hospital confers upon the public.

21. The Department's unauthorized demolition of the Hospital would eradicate Mr. Hyman's ability to enjoy the benefits that the historic and architectural significance of the Hospital imparts, and would irreversibly harm Mr. Hyman.

22. Mr. Hyman has attempted to address with the Department its exceedance of the authority granted to it by the Act.

23. On March 20, 2019, Mr. Hyman, by and through his counsel, has requested information from the Department related to the agreement of sale between the Department and TCA Properties and the proposed demolition of the Hospital. Compl., Ex. H.

24. The Department has not provided Mr. Hyman this information.

25. Mr. Hyman, by and through his counsel, has written a letter to the Department dated March 28, 2019, requesting that the Department cease its violation of the Act. Compl., Ex. I.

26. The Department has not responded to Mr. Hyman.

27. Mr. Hyman has advocated to the City Council of the City of Allentown to preserve the Hospital.

28. The City Council of the City of Allentown has no authority to enforce the Act or the duties of the Defendants under the History Code.

29. Mr. Hyman has no other venue or recourse to seek the enforcement of the Act and the Defendants' duties under the History Code, and to prevent the unlawful demolition of the Hospital.

30. The Defendants' violations of law would otherwise go unchallenged but for Mr. Hyman filing his Complaint and this Motion.

31. TCA Properties is beneficially affected by the Defendants' violations, and is not otherwise inclined to challenge the Defendants' violations of law.

32. No other parties but for Mr. Hyman are better situated to challenge the Defendants' violations of law.

33. Judicial relief from this Court remedying the Defendants' violations of law is appropriate.

INJUNCTIVE RELIEF IS APPROPRIATE

34. To receive injunctive relief, the moving party must demonstrate: (1) that the injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages; (2) that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that the issuance of an injunction will not substantially harm other interested parties in the proceedings; (3) that the preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) that the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits; (5) that the injunction is reasonably suited to abate the offending activity; and (6) that the preliminary injunction will not adversely affect the public interest. *SEIU Healthcare Pennsylvania v. Com.*, 104 A.3d 495, 501-02 (Pa. 2014).

35. Here, Mr. Hyman has satisfied all the requirements to be granted a preliminary injunction.

36. First, an injunction is needed to prevent immediate and irreparable harm to Mr. Hyman from the demolition of the Hospital.

37. The Department's efforts to demolish the Hospital to effectuate the conveyance of the Hospital Property is in violation of the Act's express requirement to convey the Hospital Property "***together with any buildings, structures or improvements thereon***[" Compl., Ex. A § 1(a) (emphasis added).

38. Additionally, the Department has violated the History Code by failing to perform its duties to assure that its disposition of the Hospital Property "contribute[s] to the ***preservation and enhancement*** of all historic resources in this Commonwealth." 37 Pa.C.S. § 508(a)(4) (emphasis added).

39. A "violation of an express statutory provision *per se* constitutes irreparable harm." *Stilp v. Com.*, 910 A.2d 775, 787 (Pa. Commw. Ct. 2006), *aff'd sub nom. Stilp v. Com., Gen. Assembly*, 974 A.2d 491 (Pa. 2009); *Council 13, Am. Fed., of State, County and Mun. Employees, AFL-CIO v. Casey*, 595 A.2 670, 674 (1991).

40. Under the Statutory Construction Act of 1972, 1 Pa.C.S. § 1501 *et seq.*, a "statute" is defined as "***[a]n act of the General Assembly***, whether under the authority of the Commonwealth or of the late Proprietaries of the Province of Pennsylvania." 1 Pa.C.S. § 1991 (emphasis added).

41. Therefore, the Defendants' violations of the Act and the History Code *per se* constitute irreparable harm.

42. Additionally, demolition of the Hospital permanently and completely harms Mr. Hyman by depriving Mr. Hyman of personal and public value from the historic and architectural significance of the buildings, structures, and improvements of the Hospital.

43. Accordingly, the demolition of the Hospital permanently and irreparably harms Mr. Hyman.

44. Second, greater injury, in the form of the complete and total destruction of a historic and architectural resource, is more likely to result from a denial of a preliminary injunction than from granting the injunction, and granting the injunction will not substantially harm other interested parties.

45. This preliminary injunction request seeks to require the Defendants to obey the Act. Acting in accordance with the law cannot—and in this case will not—cause more harm than if Defendants chose to act contrary to law.

46. Additionally, the Hospital has been intact since its closure on or about December 14, 2010. The Historic Preservation Office has recently toured the Hospital in 2018, finding that the Hospital continues to retain its integrity and historical and architectural significance.

47. Injunctive relief cannot substantially harm other interested parties, nor will it result in greater harm than a denial of injunctive relief, because the conditions of relief sought by Mr. Hyman have already been in existence for over eight years, and the Hospital has been standing for *over one hundred and five years*. If the mere continued existence of the Hospital caused substantial harm to other interested parties, it likely would have been alleged or addressed much sooner.

48. Third, a preliminary injunction would restore the parties to their status quo as it existed prior to the Defendants violating the Act.

49. Prior to the Defendants' violation of the Act, the Hospital remained standing and retained its historic and architectural significance.

50. Mr. Hyman's request for injunctive relief has been tailored to accomplish exactly that—to leave the Hospital standing and intact in accordance with the Act.

51. Fourth, Mr. Hyman's right to relief is clear and he is likely to prevail on the merits. The language of the Act clearly requires the Hospital Property to be conveyed "**together with any buildings, structures or improvements thereon**[" Compl., Ex. A § 1(a) (emphasis added).

52. Furthermore, as stated above, the Act describes the tract of land to be conveyed as consisting of "land **and improvements located thereon**[" *Id.* § 1(b) (emphasis added).

53. The History Code also requires the Department to assure that its disposition of the Hospital Property "contribute[s] to the **preservation and enhancement** of all historic resources in this Commonwealth." 37 Pa.C.S. § 508(a)(4) (emphasis added).

54. The Defendants are clearly violating the Act and have failed to maintain their duties under the History Code by seeking to demolish the Hospital and convey the Hospital Property without any buildings, structures, or improvements intact.

55. Conveyance of the Hospital Property in accordance with the Act and the History Code is a ministerial function and mandatory duty of the Department. A writ of mandamus is appropriate and necessary to compel the performance of such ministerial functions and mandatory duties. *Fagan v. Smith*, 41 A.3d 816, 818 (Pa. 2012).

56. The clear right to relief element "does not impose upon the proponent of the preliminary injunction the burden of establishing an absolute right to relief on the underlying

claim.” *T.W. Phillips Gas & Oil Co. v. Peoples Nat. Gas Co.*, 492 A.2d 776, 780 (Pa. Commw. Ct. 1985).

57. In fact, “[w]here the threat of immediate and irreparable harm to the petitioning party is evident, that the injunction does no more than restore the status quo and the greater injury would result by refusing the requested injunction than granting it, ***an injunction may properly be granted where substantial legal questions must be resolved to determine the rights of the respective parties.***” *Fischer v. Dep’t of Pub. Welfare*, 439 A.2d 1172, 1174 (Pa. 1982) (emphasis added).

58. Accordingly, although Mr. Hyman’s right to relief is clear and he is likely to prevail on the merits, injunctive relief is still appropriate even if substantial legal questions remain for this Court to resolve.

59. Fifth, by narrowly tailoring this request for injunctive relief to simply leave the Hospital standing and intact, rather than seek to enjoin the actual ***conveyance*** of the Hospital Property, the relief Mr. Hyman has requested is well suited to abate the harms caused by Defendants’ violation of the Act.

60. Lastly, a preliminary injunction would not adversely impact the public interest. On the contrary, enjoining the violation of the Act would protect the public’s interest in a historic and architectural resource of the Commonwealth.

61. It is a legislative finding and policy in this Commonwealth that “[t]he irreplaceable historical, architectural, archaeological and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations.” 37 Pa.C.S. § 102(3).

62. Furthermore, “[t]he preservation and protection of historic resources in this Commonwealth promotes the public health, prosperity and general welfare.” 37 Pa.C.S. § 102(4).

63. The History Code goes on to state that “[i]t is in the public interest for the Commonwealth, its citizens and its political subdivisions to engage in comprehensive programs of historic preservation for the enjoyment, education and inspiration of all the people, including future generations.” 37 Pa.C.S. § 102(6).

64. The public’s interest in the maintenance and preservation of historic and architectural resources is clearly established in law. Issuance of a preliminary injunction for the preservation of the historic and architectural significance of the Hospital would be beneficial to the public interest.

BOND SHOULD NOT BE IMPOSED

65. The Court should impose only a nominal bond under Pa.R.C.P. 1531(b)(1).

66. “The trial court must determine the [bond] amount after balancing the equities involved on a case by case basis.” *Christo v. Tuscany, Inc.*, 533 A.2d 461 (Pa. Super. 1987).

67. As noted above, any harm caused by imposition of the requested preliminary injunction is likely to be small if it exists at all.

68. Mr. Hyman is a resident of the City of Allentown and a taxpayer of the Commonwealth filing this request in both his own and the public’s interest to protect the public from the unlawful destruction of a historic and architectural resource eligible for the National Register of Historic Places and listed on the Pennsylvania Register of Historic Places.

69. Balancing the equities, a nominal bond is most appropriate upon issuance of an injunction in this instance.


CONCLUSION

WHEREFORE, Plaintiff prays this Honorable Court grant a preliminary injunction in its favor and against the Defendants,

(2) enjoining any activity on the part of the Defendants in the furtherance of the demolition of the Hospital; and

(2) requiring the Defendants to show cause as to why they should not convey the Hospital Property with the Hospital buildings, structures and improvements intact, in accordance with the Act.

Respectfully submitted,



Suzanne Kere Schiller, Esquire

(PA ID No. 68206)

sschiller@mankogold.com

Jill Hyman Kaplan, Esquire

(PA ID No. 50928)

jkaplan@mankogold.com

Zachary J. Koslap, Esquire

(PA ID No. 320710)

zkoslap@mankogold.com

MANKO, GOLD, KATCHER & FOX, LLP

401 City Avenue, Suite 901

Bala Cynwyd, PA 19004

Tel: (484) 430-5700

Fax: (484) 430-5711

Attorneys for Plaintiff

Nat L. Hyman

Date: April 22, 2019

VERIFICATION

I, Nat L. Hyman, hereby verify that I am Plaintiff in the foregoing Motion, and verify that the statements made in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Nat L. Hyman', is written over a horizontal line. The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

Date: April 22, 2019

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 22, 2019, the foregoing Motion was served upon the following by certified mail:

Charles E. Anderson, Esquire
Chief Counsel, Department of General Services
603 North Office Building
Harrisburg, PA 17125

Curt Topper
Secretary, Department of General Services
515 North Office Building
Harrisburg, PA 17125

and

Attorney General Josh Shapiro
Pennsylvania Office of Attorney General
Torts Litigation Unit
16th Floor, Strawberry Square
Harrisburg, PA 17120

*For the Commonwealth of Pennsylvania,
Department of General Services,*

and

*For Curt Topper,
Secretary of General Services*

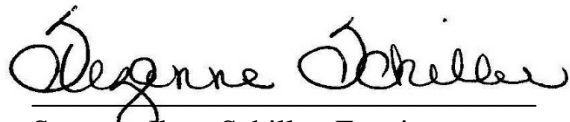

Suzanne Ilene Schiller, Esquire

Exhibit 1

Complaint (with Exhibits)

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Dauphin County Lawyer Referral Service
Dauphin County Bar Association
213 North Front Street
Harrisburg, Pennsylvania 17101
Telephone Number (717) 232-7536

By: Suzanne Ilene Schiller, Esq. (PA ID No. 68206)
Jill Hyman Kaplan, Esq. (PA ID No. 50928)
Zachary J. Koslap, Esq. (PA ID No. 320710)
401 City Avenue, Suite 901
Bala Cynwyd, PA 19004
(484) 430-5700

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. _____

3

Secretary of General Services (“Secretary”) (collectively, “Defendants”) seek to demolish and permanently destroy the Allentown State Hospital (the “Hospital”), a historic campus of buildings designated as eligible for the National Register of Historic Places and listed on the Pennsylvania Register of Historic Places, at a cost to Commonwealth taxpayers of more than fifteen million dollars.

2. The Department was authorized by the General Assembly of the Commonwealth of Pennsylvania (“General Assembly”) through the Act of Dec. 22, 2017, P.L. 1268, No. 82, Cl. 85 (the “Act”) to convey the property on which the Hospital is located (the “Hospital Property”) “together with any buildings, structures or improvements thereon,” to TCA Properties, L.P. (“TCA Properties”). A true and correct copy of the Act is attached hereto as Exhibit A

3. Inexplicably, instead of conveying the Hospital Property together with the buildings comprising the Hospital, the Department sought or is seeking bids to completely demolish the Hospital at a cost of approximately fifteen million dollars to the taxpayers of the Commonwealth *in advance of* selling the Hospital Property to TCA Properties for *only 2.3 million dollars*.

4. Destruction of the Hospital by the Department prior to the Hospital Property’s conveyance violates the authority granted to the Department by the General Assembly, and would result in immediate and irreparable injury to Mr. Hyman, a resident of the City of Allentown and a taxpayer of the Commonwealth, who values the historic and architectural integrity of the Hospital and desires to ensure its preservation.

5. Therefore, Plaintiff through this Complaint hereby respectfully requests from this Court immediate injunctive relief to prevent the unlawful demolition of the Hospital, and a writ

of mandamus ordering the Defendants to convey the Hospital Property with the building, structures, and improvements of the Hospital intact.

THE PARTIES

6. Plaintiff Mr. Hyman is a resident of the City of Allentown and a taxpayer of the Commonwealth. Mr. Hyman is a developer of real estate who restores and rehabilitates older industrial properties for contemporary productive use, and is an advocate for the preservation of the Hospital's historic and architectural significance. Mr. Hyman has a Master of Science degree from the Columbia University Graduate School of Architecture, Planning and Preservation.

7. Defendant the Department manages certain construction, alterations and repairs of Commonwealth property. The Department also serves as the Commonwealth's real estate agent; however, the Department must obtain legislative approval to transfer or convey Commonwealth property determined to be surplus.

8. Defendant Curt Topper is the Secretary of General Services.

JURISDICTION

9. This Court has original jurisdiction over this Complaint pursuant to 42 Pa.C.S. § 761, as this is a civil action against the Commonwealth government. The Judicial Code's definition of "Commonwealth government" includes "departments, boards, commissions, authorities and officers and agencies of the Commonwealth[.]" 42 Pa.C.S. § 102.

FACTUAL BACKGROUND

I. The Hospital

10. The Hospital is located at 1600 Hanover Avenue in Allentown, Pennsylvania and was formerly a psychiatric hospital built on approximately 195 acres. Its construction was authorized by P.L. 737 on July 18, 1901. The Hospital is owned by the Commonwealth.

11. The Hospital opened on or about October 2, 1912. The initial buildings of the Hospital were designed by the architect Philip H. Johnson, who once served as the architect for the City of Philadelphia Department of Public Health and was a prominent architect of his time. The Hospital was designed to be in a block plan with several buildings connected by corridors and originally included administration buildings, patient ward buildings, a dining room and auditorium, two chapels, a dietary kitchen, a boiler, and an electric plant.

12. Several buildings were added to the Hospital campus throughout the subsequent decades until approximately 1971.

13. The Hospital features historically and architecturally significant building details, such as marble floors and columns, stained glass, stately wood trim and wood doors, and a spiral staircase with brass railing and marble steps.

14. In 1984, the Pennsylvania State Historic Preservation Office (“Historic Preservation Office”), a bureau within the Pennsylvania Historical and Museum Commission (“Historical and Museum Commission”), determined that the Allentown State Hospital was eligible for the National Register of Historic Places.

15. The Hospital is eligible for the National Register of Historic Places because it is “associated with events that have made a significant contribution to the broad patterns of our history,” and because it is a site, building, structure or object that “embod[ies] the distinctive characteristics of a type, period, or method of construction, or that represent[s] the work of a master, or that possess[es] high artistic value,” among other characteristics. 36 C.F.R. § 60.4(a), (c).

16. In a letter to the Department dated March 12, 2018 (“March 12th Letter”), the Historic Preservation Office stated that the Hospital “was the first institution of its kind in

Pennsylvania, and has state significance, and possibly even national significance.” A true and correct copy of the March 12th Letter is attached hereto as Exhibit B.

17. It is the policy and practice of the Historical and Museum Commission to name properties to the Pennsylvania Register of Historic Places that are listed in or eligible for the National Register of Historic Places. The Pennsylvania Register of Historic Places is “[a] selected inventory of historic resources determined by [the Historical and Museum Commission] to be significant in the history, architecture, archaeology or culture of this Commonwealth, its communities or the nation.” 37 Pa.C.S. § 103.

18. Therefore, upon information and belief, the Hospital is listed on the Pennsylvania Register of Historic Places.

19. The Hospital made important contributions to society even after it was named eligible for the National Register of Historic Places. In 1999, the Allentown State Hospital became the first of 166 government-run psychiatric hospitals nationwide to eliminate the use of seclusion in its patient care practices.

20. Due to a decreasing number of patients placed in the Hospital, and a shift in using outpatient programs to treat patients with mental illness, the Hospital closed on or about December 14, 2010.

21. Today, the Hospital is comprised of approximately thirty-eight buildings and structures.

22. As recently as 2017, the Hospital has been used as the site for a major film production which grossed approximately two-hundred and fifty million dollars worldwide.

23. The Historic Preservation Office toured the Hospital as recently as 2018, at which time it determined that the Hospital is a “highly intact example of its type; and maintains historic integrity.” Ex. B, March 12th Letter, p. 1.

II. The Department’s Authority to Convey the Hospital Property

24. The General Assembly, through the Act, authorized the Department to convey the Hospital Property to TCA Properties.

25. Specifically, the General Assembly authorized the Department to convey the Property “*together with any buildings, structures or improvements thereon*[.]” Ex. A, Act § 1(a) (emphasis added).

26. The Act described the tracts of land to be conveyed as consisting of the “land *and improvements located thereon*[.]”¹ Ex. A, Act § 1(b) (emphasis added).

27. The Act gives authority to the Secretary to “impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.” Ex. A, Act § 1(e).

28. Furthermore, the Act requires the Secretary upon transfer to execute the special warranty deed in the name of the Commonwealth. Ex. A, Act § 1(g).

29. Under Section 508 of the Pennsylvania History Code (“History Code”), the Department is required to consult with the Historical and Museum Commission “before demolishing, altering or transferring any property under [the Commonwealth’s] ownership or control that is or may be of historical, architectural or archaeological significance.” 37 Pa.C.S. § 508(a)(1).

¹ The Act gave the Department the authority to convey two tracts of land associated with the Allentown State Hospital, which in total consist of 195.167 acres.

30. As part of that consultation, the Department is required to “[s]eek the advice of the commission on possible alternatives to the demolition, alteration or transfer of property under [its] ownership or control that is on or may be eligible for the Pennsylvania Register of Historic Places.” 37 Pa.C.S. § 508(a)(2).

31. Thereafter, the Department is required to “[i]nitiate measures and procedures to provide for the maintenance by means of preservation, rehabilitation or restoration of historic resources under [its] ownership or control that are listed on or are eligible for the Pennsylvania Register of Historic Places.” 37 Pa.C.S. § 508(a)(3).

32. To accomplish such preservation, rehabilitation and restoration of historic resources under its ownership or control, the Department is required to “[i]nstitute procedures and policies to assure that [its] plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth.” 37 Pa.C.S. § 508(a)(4).

33. In accordance with the History Code, the Department submitted a Project Review Form dated February 12, 2018 to the Historic Preservation Office (“February Review Form”), requesting the consultation of the Historic Preservation Office in connection with the conveyance of the Hospital. A true and correct copy of the February Review Form is attached hereto as Exhibit C.²

34. On the February Review Form, the Department was required to select any or all of the four available options that describe the proposed work to be done on the Property.

35. The Department indicated that “Disposition” of the Property was the basis for requesting consultation from the Historic Preservation Office.

² The February Review Form relied on in this Complaint was obtained from the Department pursuant to a Right to Know Request. Mr. Hyman has no knowledge if the February Review Form obtained from the Department is full and complete.

36. “Demolition” is also an option listed as a basis for consultation from the Historic Preservation Office. The Department, however, did not indicate that its project included demolition.

37. In response to the Department’s request for consultation, the Historic Preservation Office concluded that “there should be an examination of alternatives for adaptive reuse of the buildings as part of the environmental process and disposition plan.” Ex. B, March 12th Letter, p. 2.

38. The Historic Preservation Office went on to say that:

Per the appraiser’s evaluation, many of the buildings due to their overall condition and general maintenance that they have received, are in average condition, and ***may be viable for rehabilitation and reuse***. Even those buildings that had not been included in the overall usable square footage may have potential rehabilitation potential. ***A practical plan for redevelopment of the campus should balance historic preservation and economic development.***

Ex. B, March 12th Letter, p. 2 (emphasis added).

39. In fact, the Historic Preservation Office determined that a “highest and best use analysis could indicate that there is sufficient site capacity to support a combination of adaptive reuse and redevelopment,” which would include uses such as a hotel, mixed use offices, and senior living. *Id.*

40. The recommendations from the Historic Preservation Office are critically important, because “Commonwealth agencies may condition the transfer [of property] and may execute covenants, deed restrictions or other contractual arrangements which will most likely result in the preservation of any historic resources located on or under the property to be transferred.” 37 Pa.C.S. § 509.

41. The Department submitted another Project Review Form to the Historic Preservation Office, dated August 17, 2018 (“August Review Form”). A true and correct copy of the August Review Form is attached hereto as Exhibit D.³

42. Despite learning of the historic and architectural significance of the Allentown State Hospital, and of the potential for adaptive reuse, the Department indicated on the August Review Form that its proposed work consisted of “Demolition” and “Rehabilitation.”

43. The Department also indicated it was “unsure” if the project involved properties listed as eligible for the National Register of Historic Places.

44. Upon information and belief, the August Review Form included a letter from SAA Architects, Inc. addressed to the Historical and Museum Commission (“SAA Letter”). A true and correct copy of the SAA Letter is attached hereto as Exhibit E.

45. Betraying the Department’s stated intent for “rehabilitation” to be part of the proposed work, the SAA Letter explained that the “[p]roject involves removal of all 35 buildings and below grade utility tunnels” of the Hospital.

46. Responding to the Department’s August Review Form in a letter dated December 3, 2018 (“December 3rd Letter”), the Historical and Museum Commission underscored its understanding of the Department’s original scope of the project, which involved simply the disposition of the Property, but “[b]ased on follow up conversations with [the Department] and [the Pennsylvania Department of Human Services], we understand that plans for disposition *and demolition* of the site *are underway*.” (emphasis added). A true and correct copy of the December 3rd Letter is attached hereto as Exhibit F.

³ The August Review Form relied on in this Complaint was obtained from the Department pursuant to a Right to Know Request. Mr. Hyman has no knowledge if the August Review Form obtained from the Department is full and complete.

47. The Historical and Museum Commission reminded the Department that the Hospital was determined to be eligible for listing in the National Register of Historic Places in 1984, and that the Historic Preservation Office determined in a site visit in 2018 that the property should continue to be considered eligible for listing. Ex. F, December 3rd Letter, p. 1.

48. The Historical and Museum Commission also warned the Department that “[t]he demolition of the hospital complex will adversely affect the property as it will no longer be able to convey its historic and architectural significance.” *Id.*

49. Nevertheless, inexplicably and without any basis, the Historical and Museum Commission stated that “consideration of alternatives for adaptive reuse and rehabilitation of the [Hospital] is not feasible.” *Id.*

50. Upon information and belief, on November 30, 2018, the Department began soliciting bids to demolish “approximately 38 Buildings/Structures” of the Hospital in connection with the conveyance of the Hospital Property. The Department estimated that the cost to the Commonwealth would be above fifteen million dollars. A true and correct copy of the Department’s bid solicitation is attached hereto as Exhibit G.

51. Upon information and belief, the Secretary has not exercised his authority under the Act to “impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.” Ex. A, Act § 1(e).

52. Upon information and belief, the Department has not exercised its authority under the History Code to condition the transfer of the Hospital or execute covenants, deed restrictions or other contractual arrangements “which will most likely result in the preservation of any historic resources located on or under the property to be transferred.” 37 Pa.C.S. § 509.

53. Upon information and belief, the Department has not performed its duty to institute procedures or policies to assure that its disposition of the Hospital “contribute[s] to the preservation and enhancement of all historic resources in this Commonwealth.” 37 Pa.C.S. § 508(a)(4).

54. Upon information and belief, the Defendants plan to proceed with the total demolition of the Hospital, and convey the Hospital Property to TCA Properties without any buildings, structures, or improvements thereon, which abdicates Defendants’ duties under the History Code and violates the express terms of the Act.

55. Mr. Hyman values the historic and architectural significance of the Hospital, and enjoys the benefits the Hospital confers upon the public.

56. The Department’s unauthorized demolition of the Hospital would eradicate Mr. Hyman’s ability to enjoy the benefits that the historic and architectural significance of the Hospital imparts, and would irreversibly harm Mr. Hyman.

57. Mr. Hyman has attempted to address with the Department its exceedance of the authority granted to it by the Act.

58. On March 20, 2019, Mr. Hyman, by and through his counsel, has requested information from the Department related to the agreement of sale between the Department and TCA Properties and the proposed demolition of the Hospital. A true and correct copy of Mr. Hyman’s request is attached hereto as Exhibit H.

59. The Department has not provided Mr. Hyman this information.

60. Mr. Hyman, by and through his counsel, has written a letter to the Department dated March 28, 2019, requesting that the Department cease its violation of the Act. A true and correct copy of Mr. Hyman’s letter dated March 28, 2019 is attached hereto as Exhibit I.

61. The Department has not responded to Mr. Hyman.

62. Mr. Hyman has advocated to the City Council of the City of Allentown to preserve the Hospital.

63. The City Council of the City of Allentown has no authority to enforce the Act or the duties of the Defendants under the History Code.

64. Mr. Hyman has no other venue or recourse to seek the enforcement of the Act and the Defendants' duties under the History Code, and to prevent the unlawful demolition of the Hospital.

65. The Defendants' violations of law would otherwise go unchallenged but for Mr. Hyman filing this Complaint.

66. TCA Properties is beneficially affected by the Defendants' violations, and is not otherwise inclined to challenge the Defendants' violations of law.

67. No other parties but for Mr. Hyman are better situated to challenge the Defendants' violations of law.

68. Judicial relief from this Court remedying the Defendants' violations of law is appropriate.

COUNT I Mandamus

69. Mr. Hyman incorporates the averments contained in Paragraphs 1 to 68 as if set forth herein in their entirety.

70. The writ of mandamus exists "to compel official performance of a ministerial act or mandatory duty." *Fagan v. Smith*, 41 A.3d 816, 818 (Pa. 2012).

71. As set forth above, the General Assembly gave the Department the authority to convey the Hospital Property with “*any buildings, structures, or improvements thereon.*” Ex. A, Act § 1(a) (emphasis added).

72. The Hospital Property to be conveyed was described in the Act as the “land *and improvements located thereon*[.]” Ex. A, Act § 1(b).

73. The Department has authorization to convey the Hospital Property only with the Hospital buildings, structures, and improvements intact.

74. The Defendants are in violation of the Act by seeking to demolish the Hospital and convey the Hospital Property without the buildings, structures, or improvements located thereon.

75. The requirement to convey the Hospital Property with the buildings, structures and improvements thereon establishes a duty upon the Defendants to perform a ministerial act.

76. The Defendants violated their duty under the History Code by failing to “[i]nstitute measures and procedures to provide for the maintenance by means of preservation, rehabilitation or restoration of historic resources under [their] ownership or control that are listed on or are eligible for the Pennsylvania Register of Historic Places.” 37 Pa.C.S. § 508(a)(3).

77. The Defendants violated their duty under the History Code by failing to “[i]nstitute procedures and policies to assure that [their] plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth.” 37 Pa.C.S. § 508(a)(4).

78. The requirement to initiate procedures and controls that contribute to the preservation and enhancement of historic resources establishes a duty upon the Defendants to perform a ministerial act.

79. Mr. Hyman has been aggrieved by the Defendants' violations and breaches of duties.

WHEREFORE, as to Count I, Mr. Hyman requests that the Court issue a writ of mandamus directing the Defendants to immediately withdraw their solicitation of bids for the demolition of the Allentown State Hospital, and to convey the Property in accordance with the Act and their duties under the History Code, which include conveying the Property with the Allentown State Hospital buildings, structures, and improvements intact, and for such other and further relief as the Court deems proper and appropriate.

COUNT II Declaratory Judgment

80. Mr. Hyman incorporates the averments contained in Paragraphs 1 to 79 as if set forth herein in their entirety.

81. Mr. Hyman and the Defendants dispute the requirements imposed on the Defendants by the Act.

82. Mr. Hyman asserts that the Act requires the Defendants to convey the Hospital Property with the buildings, structures, and improvements thereon, which include the Hospital.

83. Upon information and belief, Defendants seek to demolish the Hospital to effectuate an agreement with TCA Properties, and to convey the Property without any of the Hospital buildings, structures, or improvements.

84. Based on this position, the Defendants are in violation of the Act.

85. The failure to follow the requirements set forth in the Act will result in the total and complete destruction of the Hospital, and will harm Mr. Hyman.

86. Mr. Hyman is entitled to a determination of the question concerning the interpretation of the Act, specifically the requirement that the Defendants convey the Hospital Property with the Hospital buildings, structures, and improvements intact.

WHEREFORE, as to Count II, Mr. Hyman requests that the Court enter judgment declaring that the Defendants are in violation of the Act by seeking to convey the Property without the Allentown State Hospital buildings, structures, and improvements intact, and for such other and further relief as the Court deems proper and appropriate.

COUNT III Preliminary Injunction

87. Mr. Hyman incorporates the averments contained in Paragraphs 1 to 86 as if set forth herein in their entirety.

88. The demolition of the Hospital would permanently destroy a complex of buildings that are historically and architecturally significant to Mr. Hyman and on both a local and national scale.

89. The destruction of the Hospital would immediately and irreparably harm Mr. Hyman.

90. Maintaining the status quo; that is, maintaining the existence of the Hospital will not harm Defendants or other interested parties, and greater injury would result to all interested parties from the demolition of the Hospital.

91. The issuance of a preliminary injunction would restore the status of all parties as it existed prior to the Defendants violating the Act through their agreeing to convey the Property without the Hospital buildings, structures, and improvements intact.

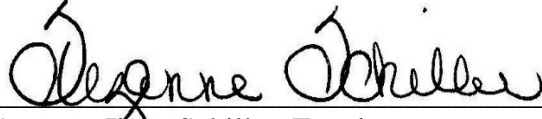
92. Mr. Hyman's right to relief is clear. The Defendants are violating the Act and Mr. Hyman is likely to prevail on the merits.

93. Preventing the demolition of the Hospital is reasonably suited to abate the Defendants' violation of the Act.

94. A preliminary injunction will not adversely affect the public interest. In fact, saving the Hospital promotes the public interest in preserving a vital historic and architectural resource of the Commonwealth.

WHEREFORE, as to Count III, Mr. Hyman requests that the Court issue an injunction hereby ceasing and preventing the demolition of the Hospital, and for such other and further relief as the Court deems proper and appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Suzanne Rene Schiller", written over a horizontal line.

Suzanne Rene Schiller, Esquire
(PA ID No. 68206)

sschiller@mankogold.com

Jill Hyman Kaplan, Esquire
(PA ID No. 50928)

jkaplan@mankogold.com

Zachary J. Koslap, Esquire
(PA ID No. 320710)

zkoslap@mankogold.com

MANKO, GOLD, KATCHER & FOX, LLP

401 City Avenue, Suite 901

Bala Cynwyd, PA 19004

Tel: (484) 430-5700

Fax: (484) 430-5711

Attorneys for Plaintiff

Nat L. Hyman

Date: April 22, 2019

VERIFICATION

I, Nat L. Hyman, hereby verify that I am Plaintiff in the foregoing Complaint, and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to be 'N. L. Hyman', is written over a horizontal line.

Date: April 22, 2019

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 22, 2019, the foregoing Complaint was served upon the following by certified mail:

Charles E. Anderson, Esquire
Chief Counsel, Department of General Services
603 North Office Building
Harrisburg, PA 17125

Curt Topper
Secretary, Department of General Services
515 North Office Building
Harrisburg, PA 17125

and

Attorney General Josh Shapiro
Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

*For the Commonwealth of Pennsylvania,
Department of General Services,*

and

*For Curt Topper,
Secretary of General Services*



Suzanne Ilene Schiller, Esquire

Exhibit A

Act of Dec. 22, 2017

**CONVEYANCE - COMMONWEALTH PROPERTY IN THE CITY OF ALLENTOWN AND
CITY OF BETHLEHEM, LEHIGH COUNTY, AND BOROUGH OF KANE, MCKEAN
COUNTY**

Act of Dec. 22, 2017, P.L. 1268, No. 82

Cl. 85

An Act

Authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to TCA Properties, L.P., certain lands and improvements situate in the City of Allentown and the City of Bethlehem, Lehigh County; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Kane, McKean County.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Conveyance in the City of Allentown and the City of Bethlehem, Lehigh County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey, for fair market value, as established through an independent appraisal, the following tracts of land together with any buildings, structures or improvements thereon, situate in the City of Allentown and the City of Bethlehem, Lehigh County, to TCA Properties, L.P.

(b) Property description.--The property to be conveyed pursuant to subsection (a) consists of approximately 195.167 acres of land and improvements located thereon, bounded and more particularly described as follows:

LOT #1

ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City of Allentown and City of Bethlehem, Lehigh County, bounded and described as follows, to wit:

BEGINNING at a concrete monument found on the South side of Hanover Avenue said point being at the Northeast Corner of the lands of N/F 1514 Inc., thence FROM THE PLACE OF BEGINNING along the South line of Hanover Avenue the following courses and distances:

- (1) S 55°31'17" E for a distance of 511.16' to a point, thence
- (2) Along a curve to the Right having a Delta Angle of 5°45'00", a radius of 957.11' for an arc length of 96.05' to a point, thence
- (3) N 61°16'18" E for a distance of 5.96' to a point, thence
- (4) Along a curve to the Left having a Delta Angle of 5°47'00", a radius of 1034.11' for an arc length of 104.38' to a point, thence
- (5) N 55°29'17" E for a distance of 45.13' to the Northwest corner of Hanover Avenue and North Quebec Street; thence along the West line North Quebec Street S 7°57'43" E for a distance of 553.45' to a point at the Southwest corner of North Quebec Street

and East Allen Street; thence along the South line of East Allen Street N 81°23'17" E for a distance of 678.83' to an iron pin set at the Northwest corner of Lot #2;

Thence along Lot #2 the following course and distances:

(1) S 27°11'30" E for a distance of 1032.47' to an iron pin set; thence

(2) S 55°10'20" W for a distance of 243.03' to an iron pin set; thence

(3) S 34°49'40" E for a distance of 160.00' to an iron pin set; thence

(4) N 54°56'04" E for a distance of 603.06' to an iron pin set; thence

(5) N 43°48'06" E for a distance of 727.05' to an iron pin set; thence

(6) N 72°56'55" E for a distance of 285.07' to an iron pin set; thence

(7) N 76°19'04" E for a distance of 378.08' to an iron pin set on the City of Allentown and the City of Bethlehem line; thence

(8) Along the City of Allentown and the City of Bethlehem line N 6°55'39" W for a distance of 413.29' to an iron pin set; thence along the lands of N/F Bruce Loch and James Burkos, N/F A-town Development Company, and N/F Raymond Perez, N 82°59'59" E for a distance of 396.87' to a point; thence along the lands of N/F Raymond Perez, the South line of Grandview Boulevard, and N/F Geraldine P. Holzinger N 81°45'17" E for a distance of 396.71' to a concrete monument found; thence along the lands of PA Lines LCC S 8°31'43" E for a distance of 469.16' to a point on the North line of Central Boulevard;

Thence along the North line of Central Boulevard the following courses and distances:

(1) Along a curve to the Right having a Delta Angle of 30°53'14", a radius of 798.97' for an arc length of 430.71' to a point, thence

(2) S 75°44'07" W for a distance of 205.24' to a point, thence

(3) S 66°28'27" W for a distance of 232.14' to a point,

Thence along the North line of River Drive the following courses and distances:

(1) S 69°08'28" W for a distance of 282.83' to a point; thence

(2) S 54°30'17" W for a distance of 507.39' to a point; thence

(3) S 50°28'17" W for a distance of 411.58' to a point; thence

(4) S 56°43'17" W for a distance of 384.03' to a point; thence

(5) Along a curve to the Left having a Delta Angle of 39°02'00", a radius of 256.69' for an arc length of 174.87' to a point, thence

(6) S 17°41'17" W for a distance of 83.85' to a point; thence

(7) Along a curve to the Right having a Delta Angle of 8°00'03", a radius of 346.78' for an arc length of 48.47' to a point,

Thence along the lands of N/F Norfolk Southern the following courses and distances:

(1) S 39°24'36" W for a distance of 139.28' to a concrete monument found; thence

(2) S 49°14'43" E for a distance of 6.14' to a point on the North line of River Drive;

Thence along the North line of River Drive the following courses and distances:

- (1) S 44°33'17" W for a distance of 159.40' to a point; thence
- (2) Along a curve to the Left having a Delta Angle of 14°07'00", a radius of 541.84' for an arc length of 133.50' to a point; thence
- (3) S 30°26'17" W for a distance of 799.21' to a point; thence
- (4) Along a curve to the Right having a Delta Angle of 18°38'50", a radius of 891.50' for an arc length of 290.14' to a point; thence
- (5) S 49°05'07" W for a distance of 392.66' to a point; thence
- (6) Along a curve to the Right having a Delta Angle of 8°09'10", a radius of 536.50' for an arc length of 76.34' to a point; thence
- (7) S 57°14'17" W for a distance of 332.83' to a point; thence
- (8) Along a curve to the Right having a Delta Angle of 10°36'40", a radius of 663.50' for an arc length of 122.88' to a point; thence
- (9) S 46°37'37" W for a distance of 729.66' to a point; thence
- (10) Along a curve to the Right having a Delta Angle of 8°41'30", a radius of 536.50' for an arc length of 81.39' to a point; thence
- (11) S 55°19'07" W for a distance of 126.31' to a point at the Southeast limit of unopened South Maxwell Street; thence along East line of unopened South Maxwell Street N 7°40'54" W for a distance of 1981.82' to a concrete monument found;

Thence along the lands of N/F the Community Services for Children the following courses and distances:

- (1) N 77°27'55" E for a distance of 343.59' to a point; thence
 - (2) N 82°36'13" E for a distance of 264.92' to a point; thence
 - (3) N 7°34'12" W for a distance of 48.78' to a point; thence
 - (4) N 10°07'23" E for a distance of 18.41' to a point; thence
 - (5) N 33°51'14" E for a distance of 77.17' to a point; thence
 - (6) N 6°18'35" W for a distance of 41.34' to a point; thence
 - (7) S 83°24'45" W for a distance of 56.39' to a point; thence
 - (8) N 6°18'23" W for a distance of 35.42' to a point; thence
 - (9) N 83°44'46" E for a distance of 56.41' to an iron pipe found; thence
 - (10) N 6°16'03" W for a distance of 223.32' to a point; thence
 - (11) S 83°06'05" W for a distance of 6.70' to a point; thence
 - (12) N 7°22'55" W for a distance of 78.48' to an iron pipe found; thence
 - (13) S 76°24'27" W for a distance of 46.07' to a point; thence
 - (14) N 13°36'19" W for a distance of 35.10' to an iron pipe found; thence
 - (15) N 76°12'08" E for a distance of 49.86' to an iron pipe found; thence
 - (16) N 7°25'05" W for a distance of 258.86' to an iron pipe found; thence
 - (17) S 83°23'26" W for a distance of 257.59' to a point;
- Thence along the lands of N/F Baldeu Raj Sharma Trust, the East limit of East Pine Street and N/F Richard C. Birch Sr. N 1°54'54" W for a distance of 250.32' to a concrete monument found on the South line of East Gordon Street; thence along the South line of East Gordon street N 82°02'47" E for a distance of 319.05' to an iron pipe found at the Southeast corner of East Gordon North Oswego Streets; thence along the East line of North Oswego Street N 6°39'00" W for a distance of 8.01' to a point; thence along the

lands of Kelly Brookhart and Mark MacNemara N 81°51'17" E for a distance of 229.30' to a concrete monument found; thence along the lands of N/F Tina Rivera, N/F Karl & Ruth Schuster, N/F Dee Ann Diaz, N/F Timothy Koppenhaver, N/F David & Ruth Koppenhaver, N/F Eugene & Constance Fritz, N/F Miriam Estrella, N/F David & Helen Galbraith, N/F Gary & Kay Matsco, N/F Charles & Jacqueline Scherer, N/F Sharon Peters, N/F Jeremy Ingle, and the East Limit of East Clair Street N 8°17'43" W for a distance of 733.25' to a point, thence along the East line of 1514 Inc. N 34°22'50" W for a distance of 152.66' to the place of BEGINNING.

CONTAINING 165.846-Acres.

BEING shown as Lot #1 on the Final Minor Subdivision Plan of the Allentown State Hospital prepared by the City of Allentown Department of Public Works, Drawing #06-005, dated July 20, 2007, last revised March 25, 2009.

LOT #2

ALL THAT CERTAIN LOT OR PIECE OF GROUND situate in the City of Allentown, Lehigh County, bounded and described as follows, to wit:

BEGINNING at an iron pin set on the south line of East Allen Street, said point being located North 81° 23' 17" East for a distance of 678.83 feet from the Southwest corner of North Quebec Street and the said point of BEGINNING being the Northwest corner of this described parcel; thence from the place of BEGINNING along the South line of East Allen Street and the South Line of Oil Process Systems North 81° 23' 17" East for a distance of 531.03 feet to a concrete monument found; thence along the lands of Bruce Loch and James Burkos the following nine (9) courses and distances;

(1) South 43° 13' 28" East - 11.42 feet to a concrete monument found; thence

(2) South 80° 16' 15" West - 54.97 feet to an iron pin found; thence

(3) South 7° 57' 07" West - 61.34 feet to a concrete monument found; thence

(4) South 61° 19' 56" East - 163.09 feet to a concrete monument found; thence

(5) North 68° 57' 39" East - 177.92 feet to a concrete monument found; thence

(6) North 58° 25' 17" East - 238.88 feet to a concrete monument found; thence

(7) North 23° 18' 43" West - 36.00 feet to a concrete monument found; thence

(8) North 82° 58' 20" East - 987.96 feet to a concrete monument found; thence

(9) North 82° 59' 59" East - 1.43 feet to a point; thence along Lot #1, the residue lands of the Commonwealth of Pennsylvania the following eight (8) courses and distances;

(1) South 6° 55' 39" East - 413.29 feet to a iron pin set; thence

(2) South 76° 19' 04" West - 378.08 feet to a iron pin set; thence

(3) South 72° 56' 55" West - 285.07 feet to a iron pin set; thence

(4) South 43° 48' 06" West - 727.05 feet to a iron pin; thence

(5) South 54° 56' 04" West - 603.06 feet to a iron pin; thence

- (6) North 34° 49' 40" West - 160.00 feet to a iron pin set;
thence
(7) North 55° 10' 20" East - 243.03 feet to a iron pin set;
thence
(8) North 27° 11' 30" West - 1032.47 feet to the place of
BEGINNING.

CONTAINING 29.321-Acres.

BEING shown as Lot #2 on the Final Minor Subdivision Plan of the Allentown State Hospital prepared by the City of Allentown Department of Public Works, Drawing #06-005, dated July 20, 2007, last revised March 25, 2009.

(c) Requirement for conveyance.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Gaming restriction.--Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. Should the grantee, its successors or assigns permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Covenants, conditions and restrictions.--The Secretary of General Services may impose any covenants, conditions, restrictions and reservations on the sale of the property as is deemed in the best interests of the Commonwealth of Pennsylvania.

(f) Easements.--The Secretary of General Services may grant or retain any easements necessary to effectuate this section.

(g) Deed of conveyance.--The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(h) Costs and fees.--All costs and fees incurred by the Department of General Services shall be borne by the grantee.

(i) Expiration.--If the Department of General Services and the grantee under subsection (a) have not executed an agreement of sale within three years of the effective date of this section, the authority provided under this act to do so shall expire.

Section 2. Conveyance of two tracts in the Borough of Kane, McKean County.

(a) Authorization.--The Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey, at a price to be determined through competitive bidding, the property described under subsection (b) together with any buildings, structures or improvements thereon, situate in the Borough of Kane, McKean County.

(b) Property description.--The property to be conveyed pursuant to subsection (a) consists of two tracts of approximately 0.34 acres of land and improvements located thereon, bounded and more particularly bounded and described as follows:

TRACT ONE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND in the Borough of Kane, County of McKean, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the South line of Chestnut Street, Two hundred and thirty and nine-tenths feet Westward (230.9 ft. W) of an iron monument marking the South-west corner of Chestnut and Fraley Streets, said place of beginning being likewise the North-east corner of land agreed to be conveyed to Kane Lodge #329 Benevolent Protective Order of Elks, and adjoining the property in Lot B. formerly conveyed to them by Deed dated February 17, 1913.

Thence by said Lot South 5° 58' East, one hundred and seventy feet (S. 5° 58' E. 170 Ft.): Thence by the North line of an alley parallel to Chestnut Street, North 84° 02' East sixty-one and ninety-eight one-hundredths feet (No. 84° 02' E. 61.98 ft.) to the West line of another alley: Thence by the West line of said alley, parallel to Fraley Street, North 0° 5' E. (170.95 ft.) one hundred seventy and ninety-five one-hundredths feet, to the South line of Chestnut Street: Thence by the South line of Chestnut Street, South Eighty-four degrees two minutes West (S. 84° 02' W.) Eighty feet (80 ft.) to the place of BEGINNING.

CONTAINING twelve thousand sixty-eight (12,068) feet more or less, as surveyed by Alson Rogers, February 15th, 1913.

BEING Tax Parcel No. 8-003-512.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by deed, dated April 15, 1920 and recorded December 8, 1920, in McKean County in Deed Book 183, Page 331.

TRACT TWO

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND situate in the Borough of Kane, County of McKean and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point one hundred sixty feet (160 ft.) north of the north line of Pine Avenue and one hundred eighty feet (180 ft.) west of the west line of South Fraley Street; thence by the North line of an alley parallel to Pine Avenue, west forty feet (W. 40 ft.) to the south line of garage lot sold to A. Dolan; thence by the same, north about fifty-three feet (53 ft.) to the south line of another alley one hundred eighty feet (180 ft.) southward of the south line of Chestnut Street; thence by the same, parallel to Chestnut Street, north eighty-four degrees east (N. 84° E.) about forty feet (40 ft.); thence by an open alleyway or court, south about fifty-seven feet (57 ft.) to the place of BEGINNING.

TOGETHER with a garage building thereon.

BEING Tax Parcel No. 8-003-512.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by deed, dated September 9, 1960 and recorded September 12, 1960, in McKean County in Deed Book 394, Page 384.

(c) Requirement for conveyance.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water,

electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Execution.--The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Restrictions.--The Secretary of General Services may impose any covenants, conditions or restrictions on the property described under subsection (b) at settlement as determined to be in the best interests of the Commonwealth.

(f) Proceeds.--The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

Section 3. Conveyance of five tracts in the Borough of Kane, McKean County.

(a) Authorization.--The Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey, at a price to be determined through competitive bidding, the property described under subsection (b) together with any buildings, structures or improvements thereon, situate in the Borough of Kane, McKean County.

(b) Property description.--The property to be conveyed pursuant to subsection (a) consists of five tracts of approximately 1.46 acres of land and improvements located thereon, bounded and more particularly bounded and described as follows:

ALL THOSE CERTAIN PIECES, PARCELS OR LOTS OF LAND situate, lying and being in the Borough of Kane, McKean County, Pennsylvania, bounded and described as follows:

TRACT ONE

BEGINNING at a point in the southeast corner of Ash Street and Smithfield Avenue; thence along the easterly line of Smithfield Avenue South 210.5 feet to a point; thence easterly and parallel with Ash Street 150 feet to a point; thence northerly and parallel with Smithfield Avenue 65 feet to a point marking the southeasterly corner of Lot No. 11 formerly of Isabel Clingensmith; thence along the southerly line of Lot No. 11 westerly 50 feet; thence northerly along the westerly line of Lot No. 11, 145.5 feet to a point in the south line of Ash Street; thence along the same westerly 100 feet to the place of BEGINNING.

BEING Lots 13 and 15 and certain lands abutting on the south line of Lots Nos. 11, 13 and 15.

TRACT TWO

BEGINNING at a point in the southerly line of Ash Street 100 feet westerly from the southwest corner of Ash Street and Smithfield Avenue, said point marking the north-westerly corner of Lot No. 21 now or formerly of McKean County; thence along the south line of Ash Street westerly 50 feet to a point marking the northeasterly corner of Lot No. 25; thence southerly parallel to Smithfield Avenue 210.5 feet to a point in the westerly line of Smithfield Avenue; thence along the west line of Smithfield Avenue northerly 65 feet to a point marking the southeasterly corner of Lot No. 19 now or formerly of McKean County; thence along the southerly line of said Lots Nos. 19 and 21 westerly 100

feet; thence along the westerly line of Lot No. 21 northerly 145.5 feet to a point in the south line of Ash Street, the place of BEGINNING.

BEING Lot No. 23 and certain lands abutting on the south line of Lots Nos. 19, 21 and 23.

TRACT THREE

BEGINNING at a post situate on the south line of Ash Street 260 feet west of the southwest corner of Elk Avenue and Ash Street, thence

- (1) West 50 feet by south line of Ash Street, thence
- (2) South at right angles to Ash Street 145-1/2 feet, thence
- (3) East at right angles 50 feet, thence
- (4) North at right angles 145-1/2 feet to a place of BEGINNING

EXCEPTING all oil or petroleum and all natural gas.

BEING part of Sub Lot 383, WT2389, Lot 11 on plot of A. E. Lyte and M.J. Sweeney.

CONTAINING 7,275 Sq. feet.

TRACT FOUR

BEGINNING at a point along the south line of Ash Street 510 feet West of the Southwest corner of Ash Street and Elk Avenue; thence at right angles South 145-1/2 feet; thence at right angles West 50 feet; thence at right angles North along the East line of Lot 23, 145-1/2 feet to the South line of Ash Street; thence by said South line East 50 feet to the place of BEGINNING.

CONTAINING 7,275 square feet of land, more or less.

EXCEPTING AND RESERVING all petroleum, carbureted hydrogen and other volatile and inflammable minerals and gases, but renouncing, waiving and releasing any and all rights to enter to explore, bore, mine, dig for, tank, store or pipe the same by works or appliances upon the said premises.

TRACT FIVE

BEGINNING at a post at the southwest corner of Smithfield Street and Ash Street; thence South along the West border of Smithfield Avenue 145-1/2 feet; thence West at right angles to Smithfield Avenue 50 feet; thence North at right angles 145-1/2 feet to the South line of Ash Street; thence East along the South line of Ash Street 50 feet to the place of BEGINNING.

CONTAINING 7,275 square feet, more or less.

BEING the same premises conveyed to the Commonwealth of Pennsylvania, by Deed, dated January 20, 1966 and recorded January 27, 1966 in McKean County in Deed Book 428, Page 523.

(c) Requirements for conveyance.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Execution.--The deed of conveyance shall be by special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Proceeds.--The proceeds from the sale shall be deposited in the State Treasury Armory Fund.

Section 4. Effective date.

This act shall take effect in 60 days.

Exhibit B

March 12th Letter



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

March 12, 2018

Andrew L. Lick, DGS Real Estate Property Coordinator
The Department of General Services, Bureau of Real Estate
401 North Street, 503 North Office Building
Harrisburg PA 17125

ER 2018-0762-077-A: DGS Proposed Disposition of the Allentown State Hospital, Allentown
Lehigh County, receipt of appraiser's evaluation

Dear Mr. Lick,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution, and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Proposed Project

Thank you for beginning consultation with our office under the State History Code regarding the disposition of the historic Allentown State Hospital.

Identification of Historic Properties: Above Ground Resources

The Allentown State Hospital Complex, PA SHPO Key # 001212 was determined Eligible for the National Register of Historic Places under Criterion A (Social/Humanitarian) and Criterion C (Architecture) in 1984.

The Allentown State Hospital was authorized by P.L. 737 on July 18, 1901 under recommendation by the Committee on Lunacy that there be a State hospital under homeopathic medical direction. It was the first institution of its kind in Pennsylvania, and has state significance, and possibly even national significance. Most of the complex was constructed according to the master plan laid out in 1903 by architect Philip Johnson. While there has not been an official Period of Significance determined for the complex, it appears it would be circa 1904 to 1963.

The current campus contains buildings that were constructed circa 1904-1971, and contains a historic circulation pattern and allee. PA SHPO staff toured the site on March 01, 2018 and updated the photo documentation of the property. The complex of the Allentown State Hospital is a highly intact example of its type; and maintains historic integrity.

Identification of Historic Properties: Archaeological Resources

There is a high probability that archaeological resources are located in the project area. As part of the disposition process, you will need to consult further with our office. There may be the need for archaeological survey if new construction or any ground disturbance activities are proposed by future owners. If significant archaeological resources are identified on the property, an appropriate avoidance or mitigation plan will need to be developed in consultation with DGS, our office and the potential owner. Guidelines and instructions for conducting Phase I surveys are

available on our web site <http://www.phmc.pa.gov/Preservation/About/Documents/SHPO-Guidelines-Archaeological-Investigation.pdf>.

Comments

We offer the following comments:

- In our opinion, there should be an examination of alternatives for adaptive reuse of the buildings as part of the environmental process and disposition plan. Per the appraiser's evaluation, many of the buildings due to their overall condition and general maintenance that they have received, are in average condition, and may be viable for rehabilitation and reuse. Even those buildings that had not been included in the overall usable square footage may have potential rehabilitation potential. A practical plan for the redevelopment of the campus should balance historic preservation and economic development.
 - DGS has recently released the Department of General Services Annex Disposition Report (January 2017) for the Harrisburg State Hospital which was the first property evaluation of this type undertaken by DGS, and if successful, may lay the ground work for a similar analysis of key state-owned properties. The Allentown State Hospital complex is similar in size and complexity to the Harrisburg State Hospital.
 - A Real Estate Market Analysis for the area should be considered. The highest and best use analysis could indicate that there is sufficient site capacity to support a combination of adaptive reuse and redevelopment that could include the following uses:
 - Hotel
 - Mixed used offices
 - Senior Living
- Our office can supply various tools, resources or strategies that may be available for a developer to reuse buildings on the campus. Depending on potential redevelopment and reuse of the campus, and which buildings may or may not be retained, this could include state or federal historic tax credits. In addition, the Harrisburg State Hospital Disposition Report referenced three case studies to examine how similar sites with historic buildings have been developed in Buffalo, NY; Philadelphia, PA and San Francisco, CA.
- Options such as lease or sale with restrictive covenants should be considered. As this project has the potential to affect historic properties and our office has been contacted by local historic preservation interests, we request documentation of efforts to seek, discuss, and consider the viewpoints of local preservation stakeholders regarding the effects of the proposed project on historic properties. Is DGS aware of any public concern regarding the loss of this historic property? Has DGS reached out to any stakeholders, civic or community groups regarding this property? We can assist you in identification of these groups and participate in any meetings.

If you need further information in this matter, please consult Mark Shaffer at mshaffer@pa.gov or (717) 783-9900. If you need further information on above ground resources please consult Cheryl Nagle at chnagle@pa.gov or (717) 772-4519.

Sincerely,



Douglas C. McLearn, Chief
Division of Archaeology and Protection

Exhibit C

February Review Form



Pennsylvania
Historical & Museum
Commission

PROJECT REVIEW FORM

Request to Initiate SHPO Consultation on
State and Federal Undertakings

SHPO USE ONLY

DATE RECEIVED:

2/12/18

ER NUMBER:

2018-0762-077-A

REV: 10/2014

SECTION A: PROJECT NAME & LOCATION

Is this a new submittal? ☒ YES ☐ NO OR ☐ This is additional information for ER Number:

Project Name Allentown State Hospital County Lehigh Municipality City of Allentown
Project Address 1600 Hanover Avenue City/State/ Zip Allentown PA 18109

SECTION B: CONTACT INFORMATION & MAILING ADDRESS

Name Andrew L. Lick, DGS Real Estate Property Coordinator Phone (717) 772-8842
Company The Department of General Services, Bureau of Real Estate Fax (717) 783-0570
Street/PO Box 401 North Street, 503 North Office Building Email alick@pa.gov
City/State/Zip Harrisburg PA 17125

SECTION C: PROJECT DESCRIPTION

This project is located on: ☐ Federal property ☒ State property ☐ Municipal property ☐ Private property
(check all that apply)

List all federal and state agencies and programs providing funds, permits, licenses.	Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)

Proposed Work – Attach project description, scope of work, site plans, and/or drawings

Project includes (check all that apply): ☐ Construction ☐ Demolition ☐ Rehabilitation ☒ Disposition

Total acres of project area: 195.167 Total acres of earth disturbance: n/a

Are there any buildings or structures within the project area? ☒ Yes ☐ No Approximate age of buildings: Built 1913-1969

Does this project involve properties listed in or eligible for the National Register of Historic Places, or designated as historic by a local government? Yes ☐ No ☐ Unsure ☒ Name of historic property or historic districts

Please print and mail completed form and all attachments to:

PHMC
State Historic Preservation Office
400 North St.
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120-0093

Attachments – Please include the following information with this form

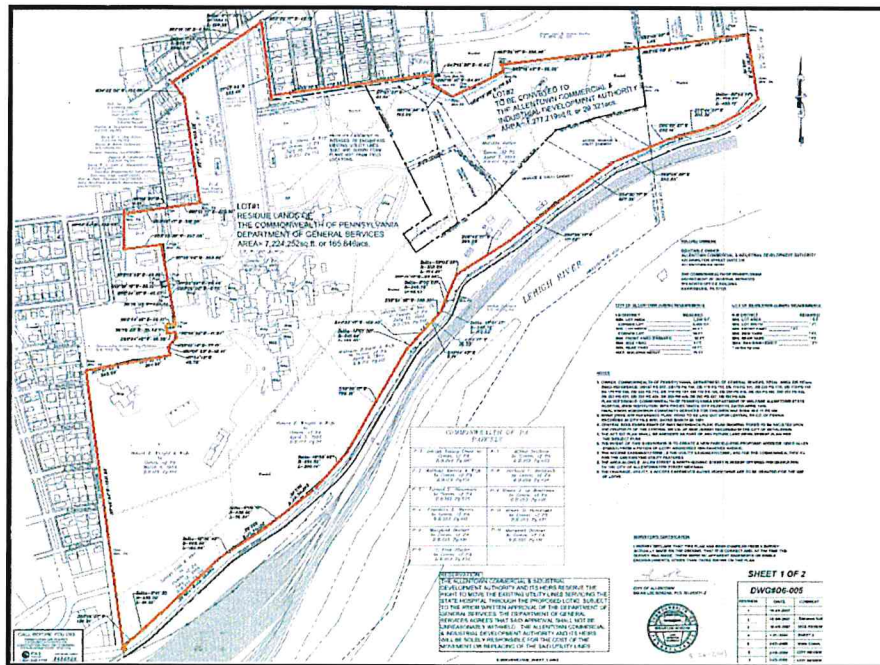
- ☒ Map – 7.5' USGS quad showing project boundary and Area of Potential Effect
- ☒ Description/Scope – Describe the project, including any ground disturbance and previous land use
- ☒ Site Plans/Drawings – Indicate the location and age, if known, of all buildings in the project area
- ☒ Photographs – Attach prints or digital photographs showing the project site, including images of all buildings and structures keyed to a site plan

SHPO DETERMINATION (SHPO USE ONLY)

- ☐ There are NO HISTORIC PROPERTIES in the Area of Potential Effect
- ☐ The project will have NO ADVERSE EFFECTS WITH CONDITIONS (see attached)
- ☐ The project will have NO EFFECT on historic properties
- ☐ SHPO REQUESTS ADDITIONAL INFORMATION (see attached)
- ☐ The project will have NO ADVERSE EFFECTS on historic properties:

SHPO REVIEWER: _____ DATE: _____

PROPERTY DESCRIPTION



- Address:** 1600 Hanover Avenue, Allentown, PA 18109.
- Location:** Cities of Allentown and Bethlehem, Lehigh County. Most of the property is located within the City of Allentown.
- Legal Description:** Deed Book Volume 179, Page 121.
Deed Book Volume 1293/0802
Document ID# 2009043177 (new deed is reportedly available however, did not come up on our public search.
- Tax Parcel ID #:** 641726847797, 641714848376 and 641746460329
- Census Tract #:** 42077009600.
- Flood Reference:** According to the Digital Media Services, dated July 16, 2004, community panel 420585-0256F, zone X, the subject is not located in a flood hazard area.
- Deed Restrictions:** No deed restrictions were supplied to the appraisers for review. However, due to the age of the original main deed, the appraiser's have not read the original deeds. We are unaware of any deed restrictions that would limit the use or reuse of the property.
- Site Size and Shape:** The parcel is irregular in shape and contains 195.167 acres (outlined in red). Lot size was taken from the map provided by the client. *See limiting conditions.*

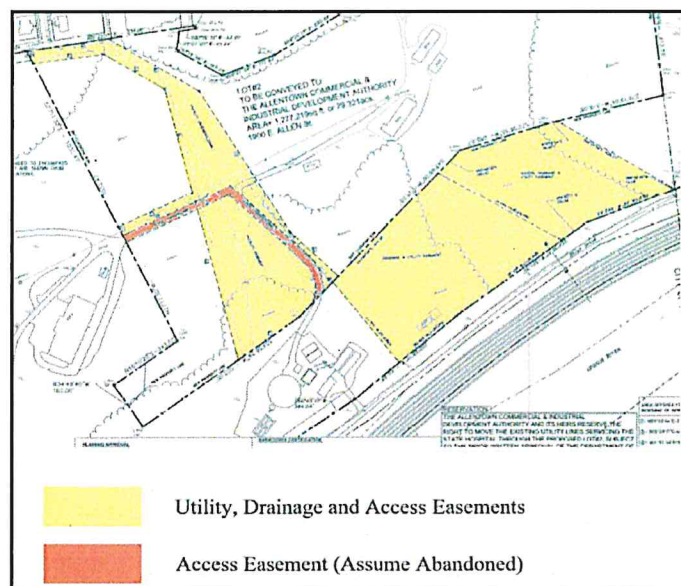
PROPERTY DESCRIPTION

Easement/Encroachments: All typical easements for streets and utilities exist. Other known easements are as follows:

1. Per Bradley Swartz access easement was created for the benefit of 109 N. Maxwell Street, TM# 641715516090-001 when the Commonwealth transferred the property to Community Services for Children, Inc.

According to Brad, the easement language calls for Community Services for Children, Inc. to have access from the existing stub street known as N. Oswego Street. In addition, they have the right to use the hospital's main access off of Hanover Avenue. *Note: this easement is not identified in Community Service's Deed but may be outlined on the subdivision plan which we have not reviewed.*

2. When the Commonwealth transferred the 29.321 acres to the ACIDA, a Subdivision Plan was created. With the subdivision there was a need to create Access Easements which would allow the Commonwealth to continue to have full access to their remaining land holdings. With the reintegration of this lot, this easement is no longer assumed to exist.
3. Also identified on the Subdivision Plan are utility, drainage and access easements. See map below. The ownership and language of these easements are unknown. However, due to their location, it does not appear they will impact the future value, use, or redevelopment of the property. *See limiting conditions.*



PROPERTY DESCRIPTION

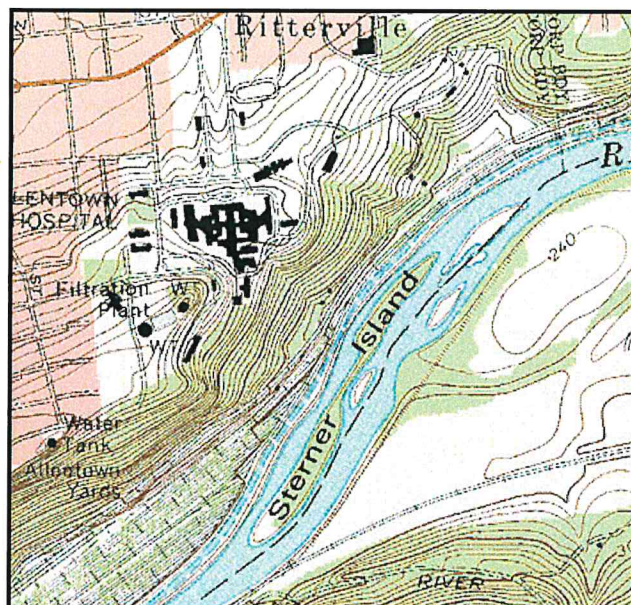
Environmental Contamination:

29.321 acres of the site are known to be environmentally contaminated. The details and environmental report were not made available to the appraiser's. This report contains several limiting conditions concerning this land area. Upon visual inspection of the property, the appraisers did not observe any other potentially hazardous materials on the remaining land area. However, asbestos is known to exist in several of the buildings. Per Michael Showers, asbestos has been fully remediated in areas which contained patients prior to the closing. Some asbestos does still exist in other areas. We are not experts in this field and the client may wish to have a Phase I and II environmental studies performed to determine the exact status of the property. This appraisal assumes that the environmental contamination will not affect the final value conclusion established herein.

Topography:

The northern portion of the property can best be described as rolling. While the southern portion of the lot is severely sloping with areas containing slopes in excess of 15%. This type of sloping often is associated with large amounts of rock formations which may or may not affect the future developable potential of the site. We are we are not qualified to render an expert opinion on the condition of the site. Therefore, the client may wish to have the site evaluated by a professional in the field of geology. See limiting conditions.

From the below map we have estimated approximately 60 acres contains slopes in excess of 15%. This area is located along River Road.



PROPERTY DESCRIPTION

(continued)

Access:

The primary access is via two curb cut off Hanover Avenue. One servicing as ingress and one as egress. Hanover Avenue is a main thoroughfare in area. There is also access from two secondary Streets, E. Allen and N. Quebec.

There is an internal macadam road system which connect the buildings.

Other Stub streets providing access to the site include:

- N. Oswego Street
- E. Linden Street
- E. Hamilton Street
- E. Walnut Street
- E. Union Street
- E. Fairview Street
- E. Elm Street
- N. Randolph Street
- N. Quincy Street
- N. Reed Street
- N. Sherman Street
- N. Saul Street
- N. Tacoma Street
- Grandview Blvd.

Note: Only E. Allen, N. Oswego and N. Randolph Streets provide existing open access to the property's internal roads and parking lots.

There are several "paper alleys" which stub into the property which appear on some of the public maps which do not physically exist as open public roads.

The frontage along River Road does not provide access into the property due to the topography.

Finally, it is important to note that Hanover Ave. is a local artery through both Allentown and Bethlehem and is not designed to handle the type of heavy truck traffic associated with industrial development.

Frontage:

Developable frontage is considered to be:

Hanover Avenue:	757'
N. Quebec Street:	544'
E. Allen Street:	1,203'
Plus 14 stub streets	

PROPERTY DESCRIPTION

(continued)

Utilities:

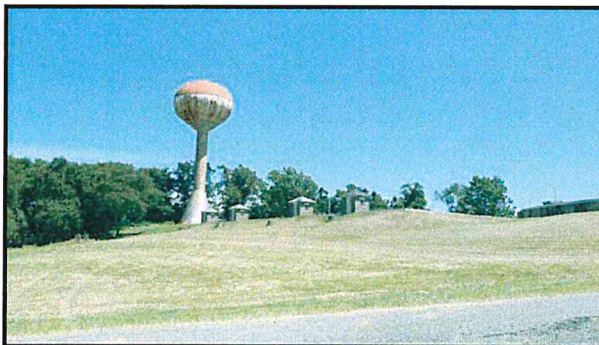
Water:	City of Allentown
Sewer:	City of Allentown
Electricity:	PPL
Trash:	City of Allentown
Gas:	UGI (in Hanover Avenue)

According to William Bogari, all the buildings on the property are linked. Only one bill is issued by each of the servicing public utilities. As a result, if any potential buyer wishes to subdivide off portions of the property, individual hook ups will be required.

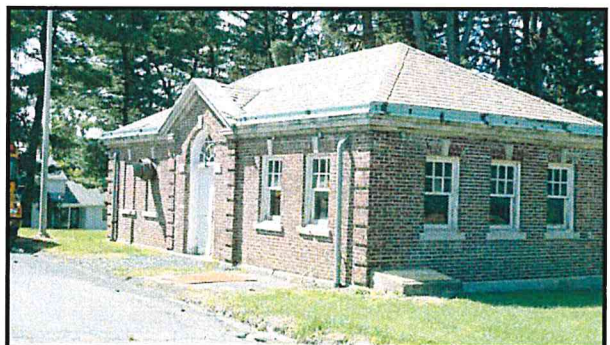
A 3,600 gallon water storage tank with 3 reservoirs with an over 1,000,000 gallon capacity are still in use. They are situated on their own Tax Parcel # 641714848376.

This appraisal assumes, public water and sewer is available for development of the excess land areas. *(See limiting conditions.)*

The pump house is no longer in use.



Water tower and reservoir



Pump House

Soils:

There are no apparent conditions to the soil or subsoil that would adversely affect the future development of the site. However, the entire Lehigh Valley region is known to be in a carbonate geological area and prone to sink holes. Therefore, the client may wish to have the site evaluated by a professional in the field of geology or environmental engineering.

Parking:

Scattered throughout the campus are many macadam parking lots, providing sufficient parking to meet the needs of the individual structures.

Wet Lands:

No wet lands maps were available. However, we do not believe any portions of the property have designated wet lands.

PROPERTY DESCRIPTION

(continued)

View:

Although we were unable to obtain elevation maps. The property is located on a high tract of land on the north bank of the Lehigh River. The Norfolk Southern rail line and railroad hump yard runs immediately adjacent to the campus at the foot of its southern slope.

From the top of the site, where the main buildings are located, the property enjoys a spectacular panoramic view of the Lehigh Valley. However, with the location of the Railroad Hump Yard, creates noise levels on the southern portion of the campus which may deter or preclude redevelopment of this section of the property. *It should be noted that the noise levels were not present on most of the campus. But were concentrated on areas where the property began to slope, which already has limited development potential.*



PROPERTY DESCRIPTION

(continued)

View:



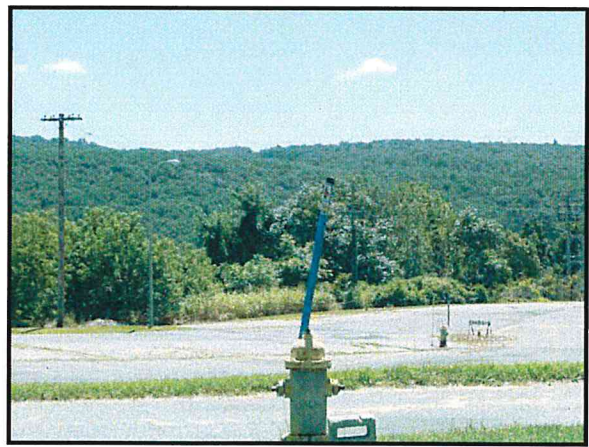
View to the East



View to the North



View to the East



View to the South



View to the North



View to the South

PROPERTY DESCRIPTION

(continued)

Assessment and Taxes:

Since construction, the property has not been on the Tax Rolls. However, Lehigh County has developed their opinion of market value. Once the property is sold, the Tax Appraisal Amount will convert to an Assessment Rate. Lehigh County's Assessment Rate constitutes 100% of the county's appraised value. Predicated on the appraised value established herein, the property will be considered to be over assessed. We recommend prior to placing the property for open bid, the Commonwealth should have the Appraised Value lowered to mirror the Appraised Value established herein. *See Limiting Conditions.*

Tax Parcel ID# 641726847797

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2016	Assessment Year	2016	City Of Allentown Bldg 3.5301 City Of Allentown Land 18.6602	
Appraised Land	\$4,975,400	Assessed Land		Lehigh	3.68
Appraised Improvements	\$27,351,400	Assessed Improvements		Allentown School District	18.3287
Total Tax Appraisal	\$32,326,800	Total Assessment			
		Exempt Amount	\$32,326,800		

Tax Parcel ID# 641714848376

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2016	Assessment Year	2016	City Of Allentown Bldg 3.5301 City Of Allentown Land 18.6602	
Appraised Land	\$96,000	Assessed Land		Lehigh	3.68
Appraised Improvements	\$5,560,000	Assessed Improvements		Allentown School District	18.3287
Total Tax Appraisal	\$5,656,000	Total Assessment			
		Exempt Amount	\$5,656,000		

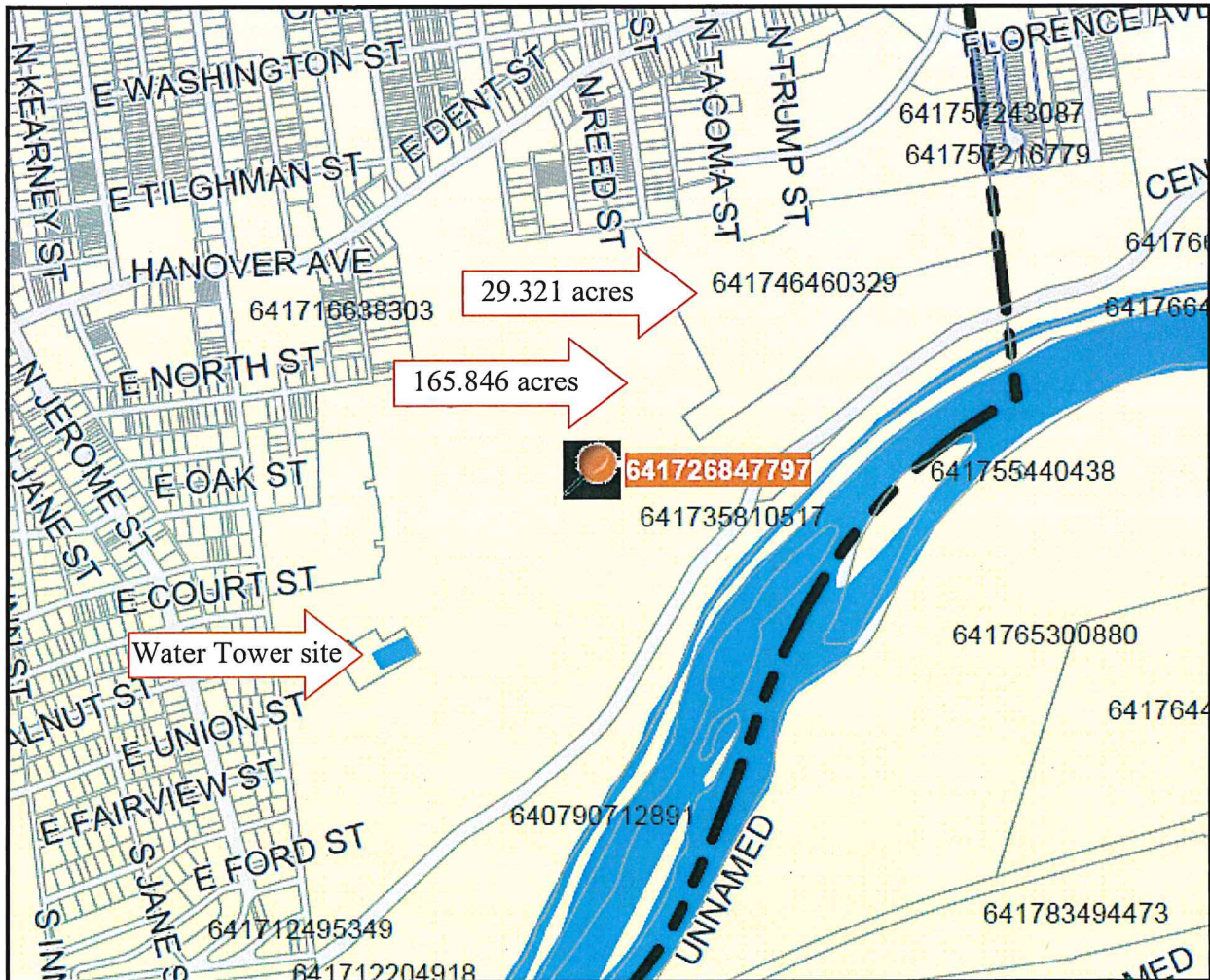
Tax Parcel ID# 641746460329

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2016	Assessment Year	2016	City Of Allentown Bldg 3.5301 City Of Allentown Land 18.6602	
Appraised Land	\$1,055,600	Assessed Land		Lehigh	3.68
Appraised Improvements	\$96,500	Assessed Improvements		Allentown School District	18.3287
Total Tax Appraisal	\$1,152,100	Total Assessment			
		Exempt Amount	\$1,152,100		

PROPERTY DESCRIPTION

(continued)

Assessment and Taxes:



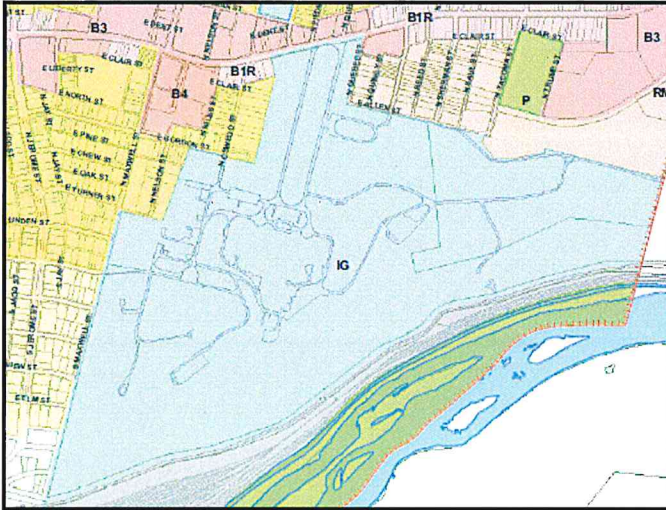
PROPERTY DESCRIPTION

(continued)

Zoning:

The majority of the property is located in the:

City of Allentown:



IG – Institutional and Government Zoning district. The purpose of this district is to provide for areas for major governmental and institutional uses, including hospitals, related medical offices, and colleges. Typical allowable uses in this zoning district include: adult day care, child care center, college or university, dormitory, elementary or secondary school, institution for children, library, museum, nursing home, place of worship.

Physical requirements for development in this zoning district are as follows:

Minimum Lot Size	7,200 Square Feet
Minimum Front Yard	30 Feet
Minimum Side Yard	5 Feet
Minimum Rear Yard	10 Feet
Minimum Lot Width	60 Feet
Maximum Building Height	75 Feet
Maximum Building Coverage	None

The subject property is a legal conforming use and appears to meet setback to conform to minimum height and building coverage requirements.

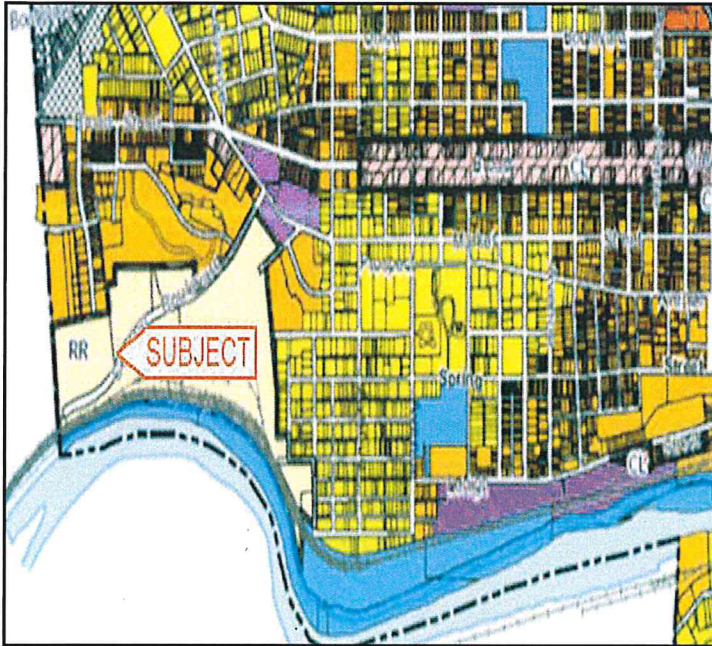
Note: The only two properties which are zoned IG are the Allentown State Hospital and Community Services for Children / Head Start of the Lehigh Valley. As a result, it is our opinion that the zoning is a function of the historic use. Absent the historic use, the zoning for the land area along Hanover Avenue would be some type of Business or Shopping Center Zoning, while most of the remaining land area would be for either Low, Medium or High Density Residential. Finally, the sloping areas would be left as Park or Conservation land.

PROPERTY DESCRIPTION

(continued)

Zoning:

City of Bethlehem



The portion of the property located within the city of Bethlehem is located in RR- Rural Residential District. The purpose of this district is to provide for low density neighborhoods that are primarily comprised of single family detached dwellings. Typical allowable uses in this zoning district include: single family detached group home, cemetery, city government uses, among others.

Physical requirements for development in this zoning district are as follows:

Minimum Lot Size	15,000 Square Feet
Minimum Front Yard	25 Feet
Minimum Side Yard	15 Feet
Minimum Rear Yard	40 Feet
Minimum Lot Width	100 Feet
Maximum Building Height	35 Feet
Maximum Building Coverage	15%

PROPERTY DESCRIPTION

(continued)

Land Summary:

195.17 acres of which only 104.088 acres contribute significantly to value.

- The 1.7578 acres which is subject to a long term land leased to Lehigh County, no buyer will contribute any value as it does not produce any income and cannot be developed.
- The 60 acres of land with more than 15% slope will only have value to a developer if they can be utilized to meet open space requirements.
- The 29.321 acres which is environmentally contaminated will also only have value to a developer if they can be utilized to meet open space requirements.

The 89.321 acres which do not significantly contribute represents 46% of the total land area.

- 2 Zoning districts
- Straddles two cities, however, will be taxed only in Allentown
- Good road frontage and access
- Geologic development challenges due to slope.
- Existing easements
- Irregular in shape
- Existing rail line along edge
- Panoramic View
- Availability and accessibility of water/sewer extensions assumed to be feasible.

DESCRIPTION OF THE IMPROVEMENTS



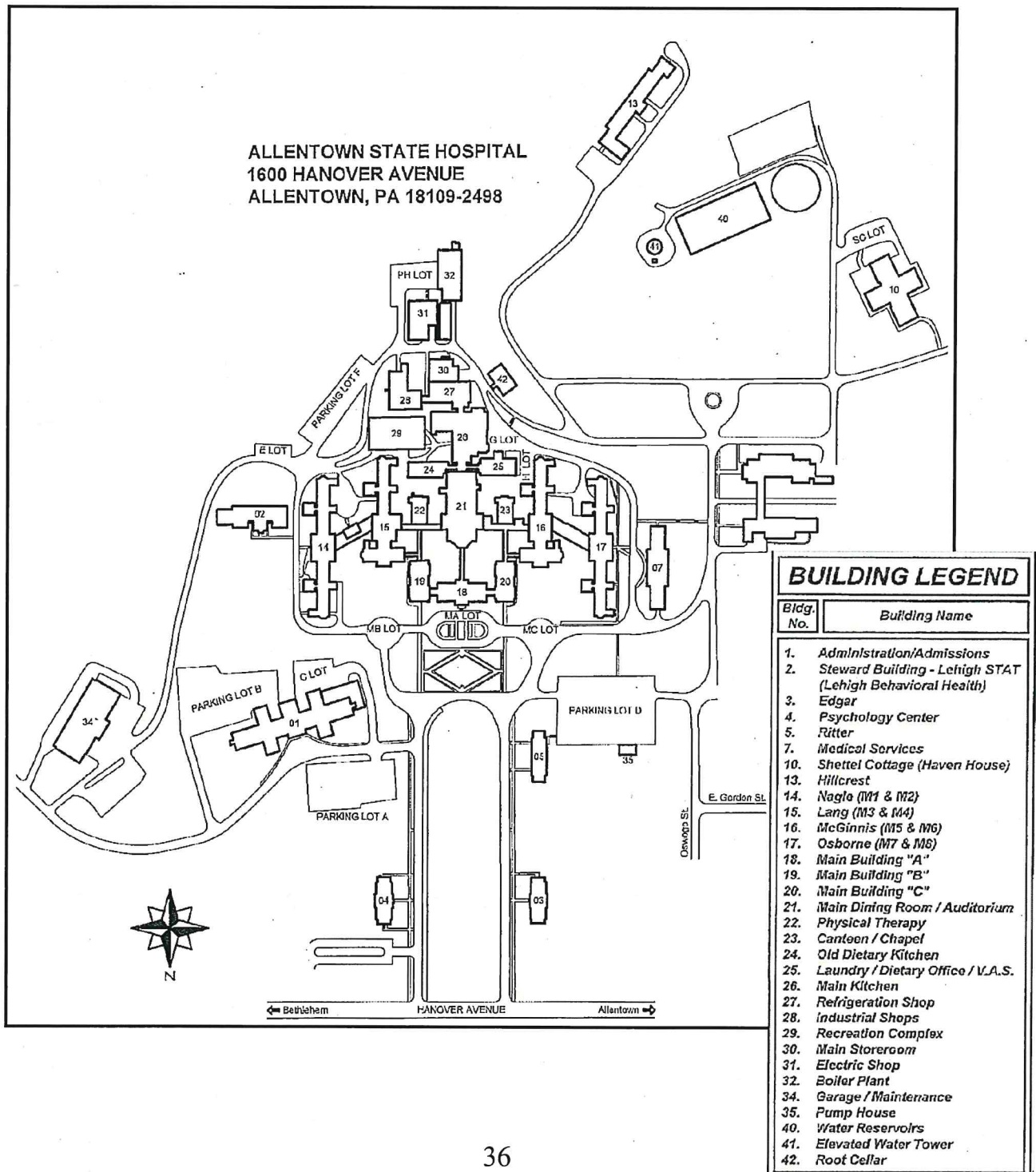
The subject property is currently improved with the Allentown State Hospital with the main campus consisting of 28 buildings. The main hospital, designed by Johnson, was built in a block plan with several buildings connected by corridors (also known as the Kirkbride Plan). The remaining buildings included the administration building, four patient ward buildings, two chapels, dining rooms, operating room, auditorium, kitchen, gymnasium, ice plant, laundry, boiler, and electric plant. In addition, there are four barn buildings, elevated water tower and water reservoir on the site. It was a totally self-contained community with the land and building costs totaling \$1,931,270.

Based on our calculations, the total square footage of the buildings was determined to be 595,037 (*Note: we have determined 467,969 square feet is usable*). The main hospital building was constructed in 1904 with numerous additions and accessory buildings constructed through 1969 when the last two buildings were constructed. There is a central heating system that supplies steam heat to all the buildings on the campus. The fuel source for this system is coal, with an oil accessory system.

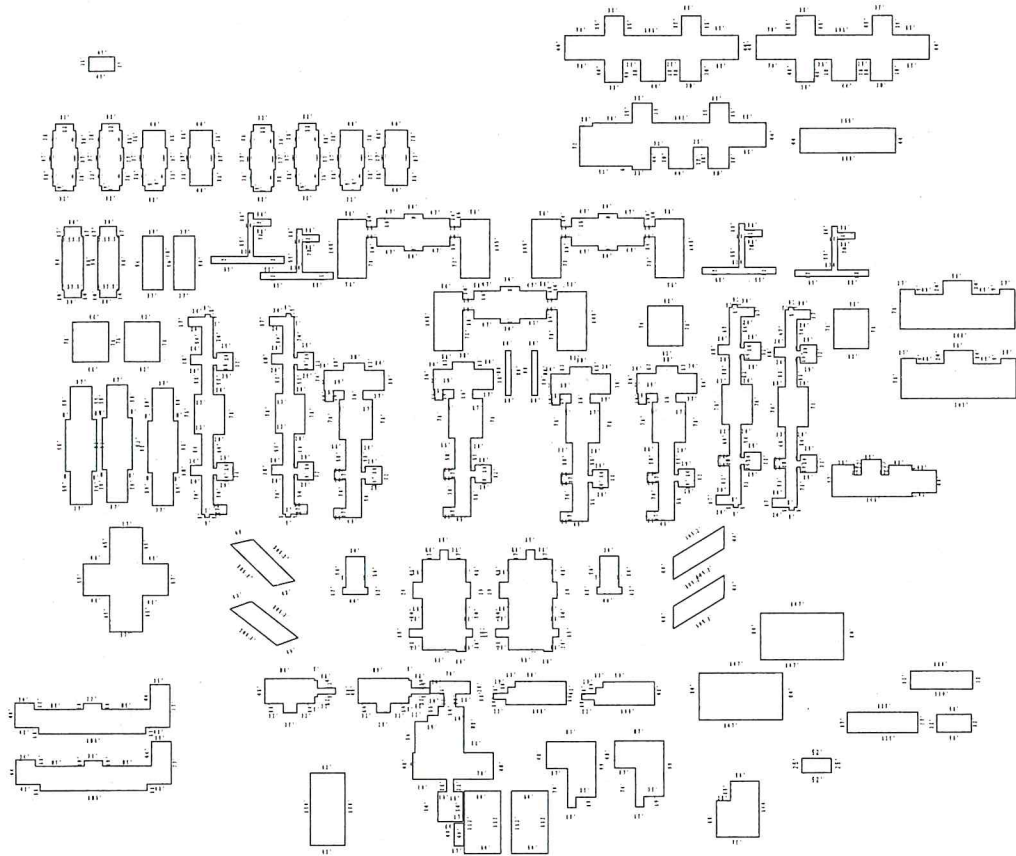
Below is the site plan followed by a building legend and finally the building sketch, followed by individual building descriptions. *Note: the building descriptions are intended to provide a general overall description of the buildings. It does not include some of the more specific details covering some of the areas of deferred maintenance, including floor coverings, damaged walls and ceilings which have not been repaired due to storm damage, & peeling paint and plaster due to the heat being turned off.*

DESCRIPTION OF THE IMPROVEMENTS

The following descriptions are from our 2013 inspections. On January 18, 2017 we re-inspected portions of the Administration Building, Medical and Main Building and found them to be in the same or better condition than in 2013. William J. Bogari, Jr, Institutional Safety Manager for the Allentown State Hospital accompanied the appraisers on the inspections in both 2013 and 2017. He stated that all buildings are in essentially the same condition as in 2013. This appraisal assumes condition rating is unchanged. *See Limiting Condition.*



DESCRIPTION OF THE IMPROVEMENTS



Sketch by Apex Sketch v3 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	3560.00	16838.00
	First Floor	3560.00	
GBA1	First Floor	2432.00	16838.00
	First Floor	2432.00	
GBA1	First Floor	4854.00	16838.00
	First Floor	4854.00	
GBA1	First Floor	18338.00	16838.00
	First Floor	18338.00	
GBA1	First Floor	14941.00	16838.00
	First Floor	14941.00	
GBA1	First Floor	13029.00	16838.00
	First Floor	13029.00	
GBA1	First Floor	13029.00	16838.00
	First Floor	13029.00	
GBA1	First Floor	9242.00	16838.00
	First Floor	9242.00	
GBA1	First Floor	15903.00	16838.00
	First Floor	15903.00	
GBA1	First Floor	4482.00	16838.00
	First Floor	4482.00	
GBA1	First Floor	4854.00	16838.00
	First Floor	4854.00	
GBA1	First Floor	24386.00	16838.00
	First Floor	24386.00	
GBA1	First Floor	13983.00	16838.00
	First Floor	13983.00	
GBA1	First Floor	17730.00	16838.00
	First Floor	17730.00	
GBA1	First Floor	4482.00	16838.00
	First Floor	4482.00	
GBA1	First Floor	4854.00	16838.00
	First Floor	4854.00	
GBA1	First Floor	7168.00	16838.00
	First Floor	7168.00	
GBA1	First Floor	680.00	16838.00
	First Floor	680.00	
GBA1	First Floor	7011.00	16838.00
	First Floor	7011.00	
Net Livable Area		(rounded)	16838
Net Building Area		(rounded)	578199

LIVING/BUILDING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
0.5 x	63.6 x	40.0	1271.43
0.5 x	25.4 x	16.0	203.43
0.5 x	63.6 x	40.0	1271.43
0.5 x	38.1 x	16.0	610.29
0.5 x	25.4 x	16.0	203.43
0.5 x	47.8 x	48.0	1146.21
0.5 x	39.0 x	9.0	174.46
0.5 x	39.0 x	9.0	174.46
0.5 x	47.8 x	48.0	1146.21
0.5 x	9.0 x	9.0	40.20
0.5 x	9.0 x	9.0	40.20
0.5 x	17.5 x	30.4	531.73
0.5 x	17.5 x	17.5	153.25
0.5 x	17.5 x	17.5	153.25
0.5 x	34.0 x	56.0	1904.00
0.5 x	44.0 x	12.0	528.00
0.5 x	34.0 x	56.0	1904.00
0.5 x	44.0 x	12.0	528.00
0.5 x	32.0 x	9.0	288.00
0.5 x	40.0 x	31.0	1240.00
0.5 x	46.0 x	37.0	1702.00
0.5 x	31.0 x	40.0	1240.00
0.5 x	12.0 x	32.0	384.00
3			578199.00
374 Items			(rounded) 595037

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #1: Administration



This building is four stories with a finished basement (the basement was not counted in overall square footage as it is below grade).

- Building Area:** 75,522 square feet on four levels.
- Age:** The building was built in 1969.
- Exterior Walls:** Brick.
- Roof:** A combination of flat rubber roof and stone roof. Portions of the flat roof are in poor condition and are in need of replacing. There was some evidence of some interior leaking and we recommend the roof be replaced before any further damage is done to the building.
- Alarm:** Hard wired alarm system.
- Cooling:** Electric fired roof mounted HVAC System.
- Plumbing and Lavatory:** Multiple common and individual bathrooms throughout the building. Several of the bathrooms have been put back into operation. Copper and PVC piping.
- Floor Coverings and Walls:** Floor coverings are a combination of VCT, commercial grade carpeting and ceramic tile. Walls are painted and wallpapered drywall.
- Ceilings:** A combination of suspended ceiling tile and painted drywall.
- Lighting:** Fluorescent lighting throughout.
- Doors:** Exterior entrance doors are glass with metal frame. Secondary exit doors are hollow core steel. Interior door are solid core wood.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #1: Administration (continued)

Windows:

Awning style windows.

Elevators:

There are three elevators that service all four main floors. The elevators also service the finished basement. (According to William Bogari, 2 of the elevators are operational and, the third is sealed but operational).

Basement:

The building has a full basement with the majority of it finished. There is an auditorium as well as common areas in the basement. Due to the topography of the site, the rear portion of the basement has exterior access (This square footage was not counted in the buildings overall square feet).

Interior Layout:

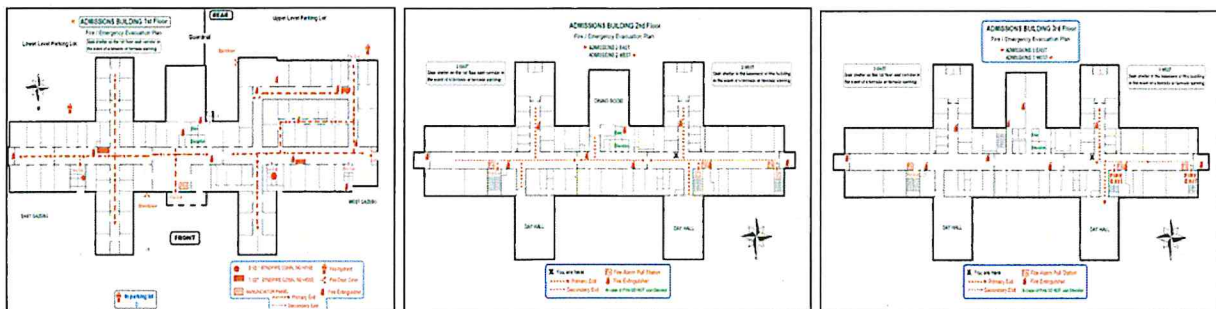
This building was utilized as the administration building on the first level and patient areas on the second, third and fourth levels. The first level has the main lobby, security room, mail room and numerous individual offices. The second and third floors are essentially identical and contain patient rooms and patient accessory uses. The fourth level contains patient rooms and a conference room. The basement is finished with patient common areas and auditorium. Access to each level is via several stairwell and the three elevators.

Effective Age:

Approximate age of the building is 47 years with this type of building having a total economic life of 50 years according to Marshall and Swift Cost Service. Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 15 years, with a remaining economic life of 35 years.

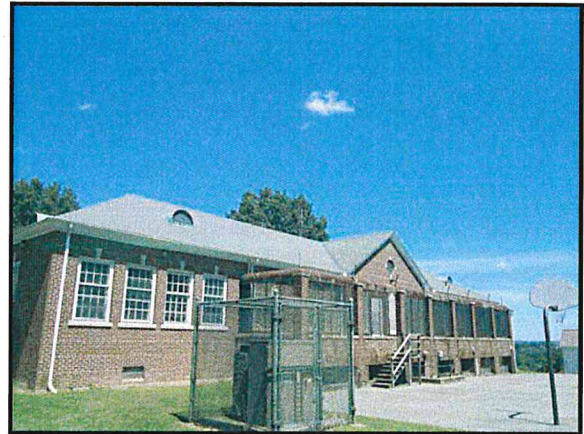
Physical Condition:

Overall condition of this building is considered average and was utilized in overall square footage. According to William Bogari this building was made habitable and was a state designated site in 2014 or 2015 for the Ebola quarantine scare. However, the facility was never needed.



DESCRIPTION OF THE IMPROVEMENTS

BUILDING #2: Stewart Building



A one story building with a full finished basement (the basement was not counted in overall square footage as it is below grade).

Building Area:	9,563 square feet on one level.
Age:	The building was built in 1949.
Exterior Walls:	Brick.
Roof:	Pitched Asphalt roof. The age of this roof is unknown, but appears to be a newer roof. There was no evidence of interior leaking in the building.
Alarm:	Hard wired alarm system.
Cooling:	Fully air conditioned. Exact tonnage is unknown.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are a combination of VCT ceramic tile. Walls are painted plaster and drywall.
Ceilings:	A combination of suspended ceiling tile and painted drywall.
Lighting:	Fluorescent lighting throughout.
Doors:	Exterior entrance doors are solid core wood and hollow core metal. Interior door are solid core wood and steel.
Windows:	Double hung windows.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #2: Stewart Building (continued)

Elevators: None.

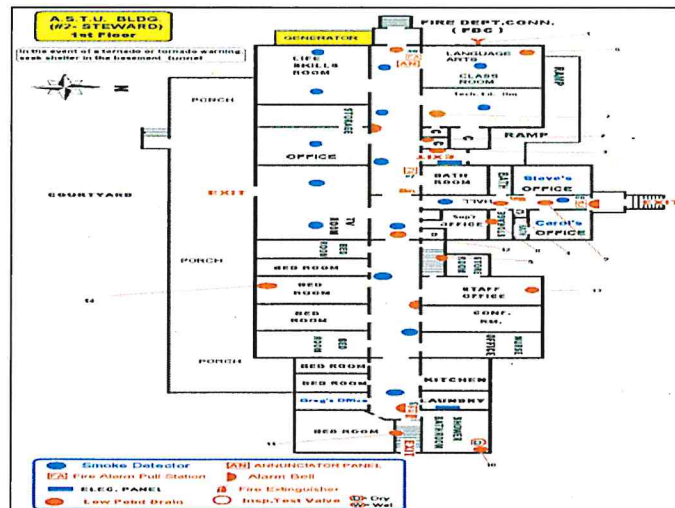
Stairwells: One stairwell that lead to the basement.

Basement: The building has a full basement that is completely finished. The basement has several common patient room as well as a kitchen and dining room. There are two exterior exits from the basement. (This square footage was not counted in the overall square feet).

Interior Layout: Half of the building (west side) was utilized as office and educational spaces. The east side was dedicated for patient use and included individual rooms, a common bathroom with showers, sink, commodes and a bathtub and a common recreation room. The basement has several common patient rooms as well as a kitchen and dining room.

Effective Age: Approximate age of the building is 67 years with this type of building having a total economic life of 50 years according to Marshall and Swift Cost Service. Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 15 years, with a remaining economic life of 35 years.

Physical Condition: Overall condition of this building is considered to be average with a relatively new roof and minimal interior updating required. This building was included in the usable square footage.



DESCRIPTION OF THE IMPROVEMENTS

BUILDING #3: Edgar Building



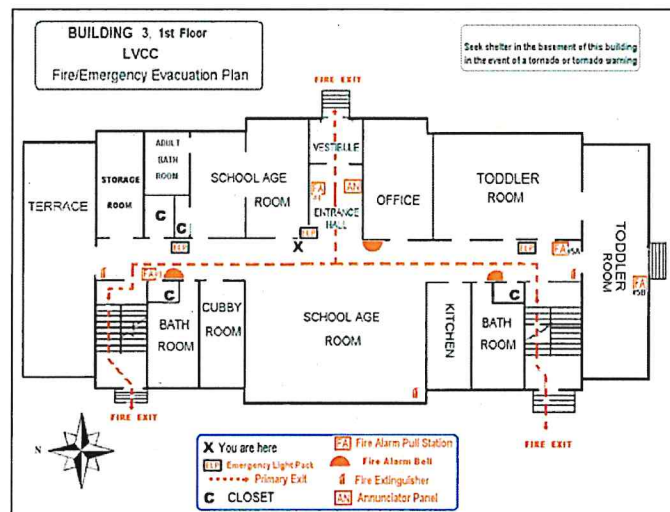
This building is four stories with a partial unfinished basement.

Building Area:	18,360 square feet on four levels.
Age:	Built in 1930.
Exterior Walls:	Brick.
Alarm:	None.
Roof:	Main building has a pitched slate roof. The two enclosed porch rooms have flat rubber roofs. The main roof is assumed to be the age of the building. The age of the flat roofs are unknown. There was evidence of major interior leaking and we recommend the roof be repaired or replaced before any further damage is done to the building.
Cooling:	None.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Vinyl Composite Tile (VCT) and ceramic tile. Walls are painted plaster.
Ceilings:	A combination of suspended ceiling tile and painted drywall.
Lighting:	Fluorescent lighting throughout.
Windows:	Double hung windows.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #3: Edgar Building (continued)

Stairwell:	One on each end of the building.
Doors:	Exterior entrance doors are solid core wood. Secondary exit doors are hollow core steel and solid core wood. Interior door are solid core wood.
Elevators:	None.
Basement:	Partial unfinished basement.
Interior Layout:	Each level is essentially the same and contains dormitory style room with a common shared bathroom on each level. The bathrooms are equipped with several commodes, sinks and shower stalls and a bathtub. The first floor also has some common meeting rooms.
Effective Age:	Approximate age of the building is 86 years with this type of building having a total economic life of 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 25 years, with a remaining economic life of 20 years.
Physical Condition:	Overall condition rating is considered fair to average with some water damage, peeling paint and mold. This building was not included in the usable square footage.



DESCRIPTION OF THE IMPROVEMENTS

BUILDING #4: Psychology Center



We were not granted access to this building due to the reported overall condition. Per a conversation with William Bogari, Jr. as well as our exterior visual inspection, this building is identical in design to building #3 (Edgar Building). We also assume the condition is the same.

Building Area: 18,360 square feet on four levels.

Age: Built in 1932.

Exterior Walls: Brick.

Roof: Main building has a pitched slate roof. The two enclosed porch rooms have flat rubber roofs. There was reported to be significant water damage. We recommend the roof be repaired or replaced before any further damage is done.

Interior: We assume the interior finish and overall layout is similar to building #3 (see previous description).

Effective Age: Approximate age of the building is 84 years with this type of building having a total economic life of 45 years according to Marshall and Swift Cost Service. Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 25 years, with a remaining economic life of 20 years.

Physical Condition: Overall condition of this building is considered poor with extensive water damage, peeling paint and mold reported. The heat has been turned off for the last two years adding to the overall deterioration of the building. Due to the overall condition, this building was not included in the overall usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #5: Ritter Building



This building is four stories with a partial basement that is unfinished.

Building Area:	16,068 square feet on four levels.
Age:	Built in 1938.
Exterior Walls:	Brick.
Roof:	Flat rubber roof. Age of the roof is unknown. There was evidence of some interior leaking and we recommend the roof be repaired or replaced before any further damage occurs.
Alarm and Cooling:	None.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Vinyl Composite Tile (VCT) and ceramic tile. Walls are painted plaster.
Ceilings:	A combination of suspended ceiling tile and painted drywall.
Lighting:	Fluorescent lighting throughout.
Doors:	Exterior entrance doors are solid core wood. Secondary exit doors are hollow core steel and solid core wood. Interior door are solid core wood.
Windows:	Double hung windows.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #5: Ritter Building (continued)

Elevators:	None.
Basement:	A partial unfinished basement.
Interior Layout:	Each level is essentially the same and contains dormitory style room with a common shared bathroom on each level. The bathrooms are equipped with several commodes, sinks and shower stalls and a bathtub. The first floor also has some common meeting rooms.
Effective Age:	Approximate age of is 78 years with this type of building having a total economic life of 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 25 years, with a remaining economic life of 20 years.
Physical Condition:	Overall condition of this building is considered average with some minor interior water leaking and peeling paint. This building was included in the usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #7: Medical Services Building



This building is three stories with a partial unfinished basement.

Building Area:	27,726 square feet on three levels.
Age:	Built in 1949.
Exterior Walls:	Brick.
Roof:	Slate pitched roof. The roof appears to be in good shape and there were no signs of interior leaking.
Alarm:	Hard wired alarm system.
Cooling:	Fully air conditioned. Exact tonnage is unknown.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are a combination of VCT, commercial grade carpeting and ceramic tile. Walls are painted plaster.
Ceilings:	Painted plaster.
Lighting:	Fluorescent lighting throughout.
Doors:	Exterior entrance doors are glass with metal frame. Secondary exit doors are solid core wood. Interior door are solid core wood.
Windows:	Double hung windows.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #7: Medical Services Building (continued)

Elevators:	There is one elevator that services all three floors. (Elevator is sealed but operational)
Sprinkler:	Full sprinkler system.
Basement:	Partial unfinished basement with portions of it being unexcavated.
Interior Layout:	This building was utilized as the medical services center and includes an operating room and numerous exam rooms and offices, pharmacy, patient rooms, common rooms and community bathrooms. There are two stairwells on the north and south side of the building.
Effective Age:	Approximate age is 67 years with this type of building having a total economic life 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance, it is our opinion that the effective age of the building is 15 years, with a remaining economic life of 30 years.
Physical Condition:	Portions of the building were fair, while other sections were in good condition. Overall condition rating is considered average. This building was included in the usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #10: Shettel Cottage (Haven House)



This building is one story with a partial basement that is fully finished. (the basement was not counted in overall square footage as it is below grade).

Building Area:	15,903 square feet on one level.
Age:	Built in 1969.
Exterior Walls:	Brick.
Roof:	Pitched asphalt shingle roof. The roof appears to be in good shape and there were no signs of interior leaking.
Alarm:	Hard wired alarm system.
Cooling:	Fully air conditioned. Exact type on tonnage is unknown.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are a combination of VCT, commercial grade carpeting and ceramic tile. Walls are painted block.
Ceilings:	Suspend ceiling tiles.
Lighting:	Fluorescent lighting throughout.
Doors:	Exterior entrance doors are glass with metal frame. Secondary exit doors are hollow core metal. Interior door are solid core wood.
Windows:	Awning style windows.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #10: Shettel Cottage (Haven House) (continued)

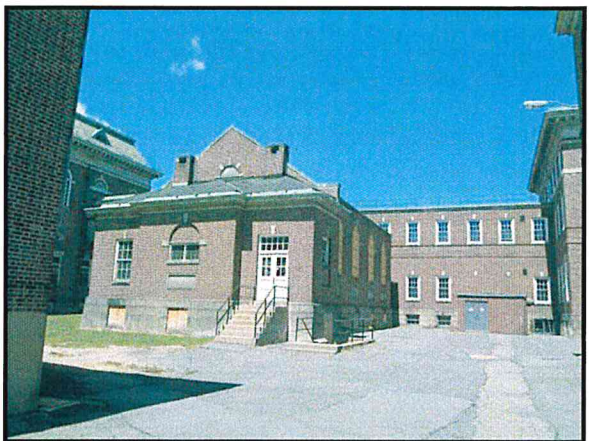
Elevators:	None.
Sprinkler:	Full sprinkler system.
Basement:	A partial basement that is fully finished. The remainder of the basement is unexcavated. The basement contains a recreation room and two treatment rooms.
Interior Layout:	This building is configured in a cross shape with three of the wings similarly configured with patient rooms surrounding a common area. The remaining wing contains several offices and the kitchen and dining room and several bathrooms. The basement contains a recreation room and two treatment rooms.
Effective Age:	Approximate age is 47 years with this type of building having a total economic life of 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance it is our opinion that the effective age of the building is 15 years, with a remaining economic life of 30 years.
Physical Condition:	Overall condition of rating is considered average to good. This building was included in the usable square footage.

BUILDING #13: Hillcrest

We were not granted access to this building, nor allowed an exterior visual inspection. This building is 26,446 square feet and per a conversation with William Bogari, Jr. the building is in poor condition as it has been allowed to be used by the Allentown Police Department for explosives and weapons training. The age of this building is unknown. Due to the overall condition, this building was not included in the overall usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDINGS #14 (Nagle), #15 (Lang), #16 (McGinnis), #17 (Osborne), #18, #19 and #20 (Main Buildings A, B and C), #21 (Main Dining Room and Auditorium), #22 and #23 (Chapels) and #24 (Old Dietary Kitchen)



DESCRIPTION OF THE IMPROVEMENTS

BUILDINGS #14 (Nagle), #15 (Lang), #16 (McGinnis), #17 (Osborne), #18, #19 and #20 (Main Buildings A, B and C), #21 (Main Dining Room and Auditorium), #22 and #23 (Chapels) and #24 (Old Dietary Kitchen) (continued)

These buildings were constructed at the same time and are known as "The Main Hospital". The corner stone was laid in 1904 with the hospital officially opening in 1912. The construction was in a block plan with several buildings connected by corridors and include: administration buildings (#18, #19 and #20), four patient ward buildings (#14-Nagle, #15 - Lang, #16 - McGinnis, #17 - Osborne), dining room and auditorium (#21), two chapels (#22 and #23), old dietary kitchen (#24), boiler (rebuilt in 1962), and electric plant. All have a similar construction and are one, two and three stories. The majority of the buildings have full basements that have some level of finish and utility; however basements were not counted in overall square footage.

Building Area:	251,772 square feet on three and four levels. This square footage includes the connecting corridors. Much of the basement area is finished; however was not counted in overall square footage. (Note: electric shop is an additional 8,060 square feet and boiler plant is 4,875 additional square feet)
Age:	1904.
Exterior Walls:	Brick.
Roof:	A combination of pitched asphalt shingle, pitched slate and flat rubber. The majority of the roofs look in good condition with some of the roofs replaced within the last five years..
Alarm:	Hard wired alarm system.
Cooling:	Only portions of the buildings are equipped with central air conditioning. The exact tonnage and type of systems are unknown.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Ceilings:	A combination of suspended ceiling tile and painted drywall.
Floor Coverings and Walls:	Floor coverings are a combination of VCT, hardwood, commercial grade carpeting and ceramic tile. Walls are painted and wallpapered plaster. <i>Note: hardwood flooring in the auditorium is buckled.</i>
Lighting:	Fluorescent and incandescent lighting.

DESCRIPTION OF THE IMPROVEMENTS

BUILDINGS #14 (Nagle), #15 (Lang), #16 (McGinnis), #17 (Osborne), #18, #19 and #20 (Main Buildings A, B and C), #21 (Main Dining Room and Auditorium), #22 and #23 (Chapels) and #24 (Old Dietary Kitchen) (continued)

Doors: Exterior entrance doors are glass with metal frame. Secondary exit doors are hollow core steel. Interior door are solid core wood.

Windows: Double hung. Many of the windows have been replaced within the last five years and are in good condition. The remaining windows are original and are in need of replacing.

Elevators: Two. (Elevators are sealed but operational).

Basement: The majority of the buildings have full basements with varying degrees of finish. (This square footage was not counted in the buildings overall square feet as it is below grade).

Interior Layout: This main buildings (#18, #19 and #20) were utilized for administrative purposes on the first two levels and primarily consist of various sized offices as well as some patient support area.

The four patient wards (#14-Nagle, #15 - Lang, #16 - McGinnis, #17 - Osborne) are essentially identical and consist of large group sleeping facilities, office, nurses stations, common social rooms, therapy rooms, exam rooms, operating rooms and bathrooms.

Building #21 is a large auditorium with stage.

Building #22 and #23 were built as chapels with the one most recently converted to a treatment room

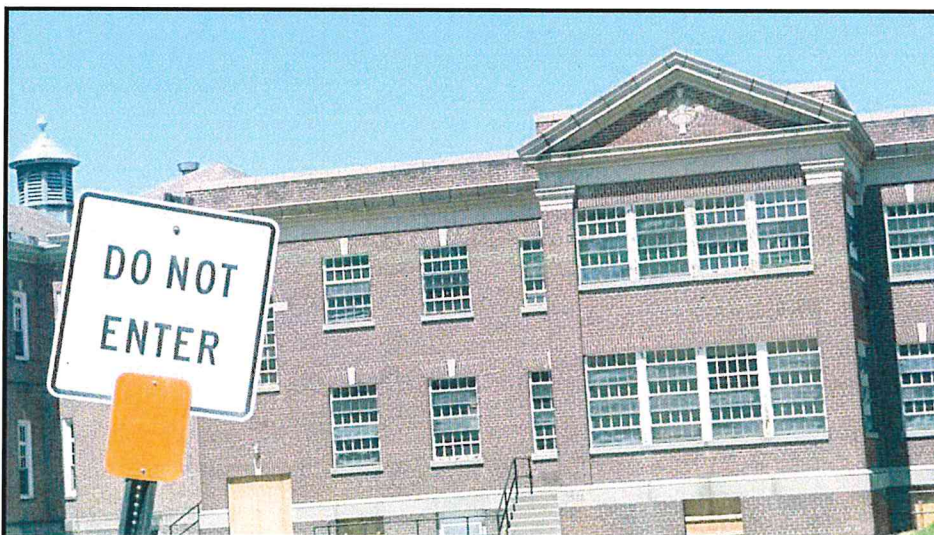
The old dietary kitchen is located in building #24.

Effective Age: Approximate age of the buildings is 112 years with this type of building having a total economic life of 45 years according to Marshall and Swift Cost Service. Based on the overall condition and the general maintenance, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.

Physical Condition: Overall condition of these buildings is considered average and was counted in usable square footage. The electric shop and boiler plant were not counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #25: Laundry/Dietary Office/V.A.S.



A two story structure with a finished basement and was most recently utilized as laundry service in the basement, dietary offices on the first floor and V.A.S. (Vocational Adjustment Services). The basement was not counted in overall square footage as it is below grade.

Building Area:	9,804 square feet on two levels.
Age:	Built in 1938
Exterior Walls:	Brick.
Roof:	Pitched asphalt shingle roof. The roof appears to be in good shape and there were no signs of interior leaking.
Alarm:	Hard wired alarm system.
Cooling:	It is unknown if this building is equipped with central air conditioning.
Plumbing and Lavatory:	Multiple common and individual bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are a combination of VCT, commercial grade carpeting and ceramic tile. Walls are painted plaster.
Ceilings:	Painted plaster and suspended ceiling tile.
Lighting:	Fluorescent and incandescent lighting.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #25: Laundry/Dietary Office/V.A.S. (continued)

Doors:	Exterior entrance doors are solid core wood. Interior door are solid core wood.
Windows:	Double hung.
Elevators:	None.
Sprinkler:	None.
Basement:	A full basement utilized as laundry services.
Interior Layout:	The first floor was utilized as the dietary services office and mainly consists of individual offices. The second level was utilized as the V.A.S. (Vocational Adjustment Services) and contains treatment rooms, offices, patient rooms and bathrooms with shower facilities.
Effective Age:	Approximate age is 78 years with this type of building having a total economic life of 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.
Physical Condition:	Overall condition of this building is considered average and was counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #26: Main Kitchen and Dining Room



This building is one story with an unfinished basement (the basement was not counted in overall square footage as it is below grade).

Building Area:	15,090 square feet on one level.
Age:	Built in 1932
Exterior Walls:	Brick.
Roof:	Asphalt shingle.
Cooling:	It is unknown if this building is equipped with central air conditioning.
Plumbing and Lavatory:	Multiple common bathrooms throughout the building. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are ceramic tile.
Ceilings:	Painted plaster and suspended ceiling tile.
Lighting:	Fluorescent and incandescent lighting.
Doors:	Interior door are solid core wood.
Windows:	Double hung.
Elevators:	None.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #26: Main Kitchen and Dining Room (continued)

Sprinkler:	None.
Basement:	A full unfinished basement utilized for storage.
Interior Layout:	Contains the main kitchen and dining rooms. All kitchen equipment has been removed.
Effective Age:	Approximate age is 81 years with this type of building having a total economic life of 45 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.
Physical Condition:	Overall condition rating is considered average and was counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #27 & 30: Refrigeration Shop and Main Storeroom



The refrigeration shop (building #27) is one story; and the main storage building (#30) is two stories. The main storage building is currently leased and we were not granted access.

Building Area:	17,656 square feet.
Age:	Building #27 was built in 1932 and building #30 was built in 1949.
Exterior Walls:	Brick.
Roof:	Pitched asphalt shingle and flat rubber roof.
Cooling:	None.
Plumbing and Lavatory:	Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are ceramic tile.
Ceilings:	Painted plaster.
Lighting:	Fluorescent and incandescent lighting.
Doors:	Interior door are solid core wood.

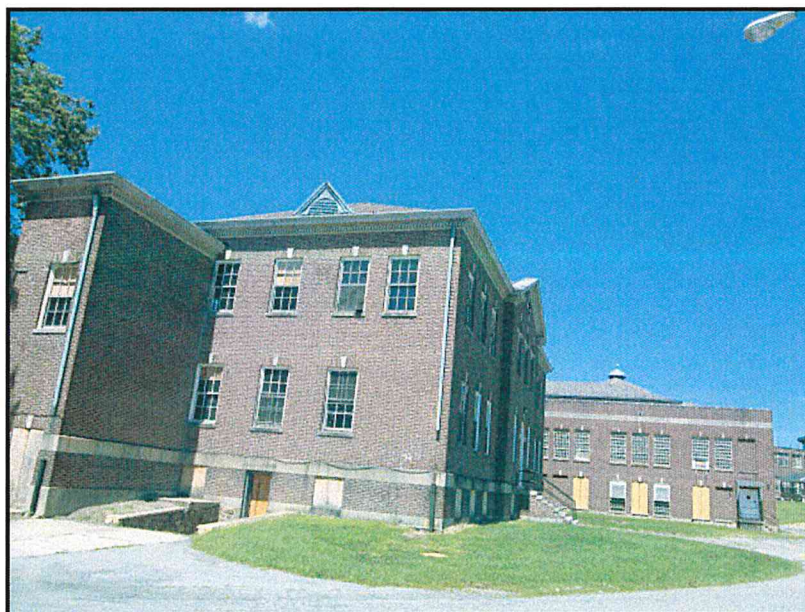
DESCRIPTION OF THE IMPROVEMENTS

BUILDING #27 & 30: Refrigeration Shop and Main Storeroom (continued)

Windows:	Double hung.
Elevators:	None.
Sprinkler:	None.
Basement:	Full unfinished basement utilized for storage.
Interior Layout:	Building #27 contains the refrigeration area. We were not granted access into the main storage building; however the layout was reported to be two levels of open storage.
Effective Age:	Approximate age of the buildings is 81 and 64 years respectively. Each has a total economic life of 48 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.
Physical Condition:	Overall condition rating is considered average and was counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #28: Industrial Shops



A two story building that most recently housed the metal and wood shops. There is a full basement that is utilized as additional industrial workshops (the basement was not counted in overall square footage).

Building Area:	14,022 square feet.
Age:	The age is unknown.
Exterior Walls:	Brick.
Roof:	Pitched asphalt shingle and flat rubber roof.
Cooling:	None.
Plumbing and Lavatory:	Copper and PVC piping. Several bathrooms throughout the building.
Floor Coverings and Walls:	Floors are cement, ceramic tile and hardwood.
Ceilings:	Painted plaster.
Lighting:	Fluorescent and incandescent lighting.
Doors:	Exterior and interior doors are solid core wood.
Windows:	Double hung.

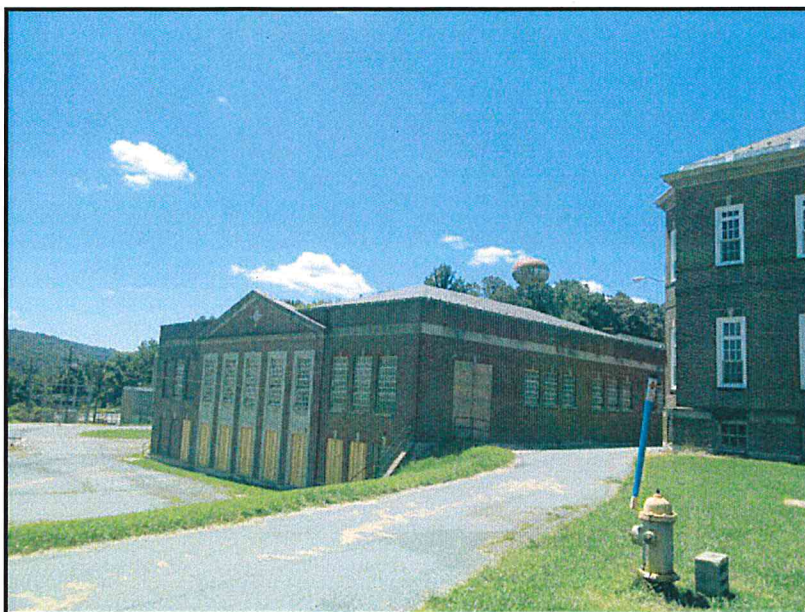
DESCRIPTION OF THE IMPROVEMENTS

BUILDING #28: Industrial Shops (continued)

Elevators:	One freight elevator.
Sprinkler:	None.
Basement:	A full unfinished basement utilized as additional workshop area.
Interior Layout:	The structure is basically two large open rooms on each level with some accessory offices as well as bathrooms.
Effective Age:	The age of the building is unknown; however this type of building has a total economic life of 48 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.
Physical Condition:	Overall condition of this building is considered fair/average and was not counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #29: Recreation Complex



A two story building that was originally built as the laundry facilities, but has subsequently been converted to the recreation complex.

Building Area:	24,696 square feet.
Age:	Built in 1931
Exterior Walls:	Brick.
Roof:	Flat rubber membrane and slate roof.
Cooling:	None.
Plumbing and Lavatory:	Copper and PVC piping. Several bathrooms with shower facilities.
Floor Coverings and Walls:	Floors are cement
Ceilings:	Painted brick and block.
Lighting:	Fluorescent lighting.
Doors:	Exterior and interior doors are solid core wood.
Windows:	Hopper style.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #29: Recreation Complex (continued)

Elevators:	None.
Sprinkler:	None.
Basement:	There is no basement.
Interior Layout:	The main level is basically a large gymnasium with two bathrooms with shower facilities and locker rooms. The lower level is an open area utilized for recreation activities.
Effective Age:	The age is 82 years with this type of building has a total economic life of 48 years according to <u>Marshall and Swift Cost Service</u> . Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 20 years, with a remaining economic life of 25 years.
Physical Condition:	Overall condition of this building is considered fair/average and was not counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #31: Electric Shop



A one story 8,060 square foot building formerly utilized as the electrical generation building. According to the campus supervisor, this building is no longer utilized for electrical generation. We were not granted access to this building and the age is unknown. The exterior is brick and the roof is flat rubber membrane. This building was not counted in usable square footage.

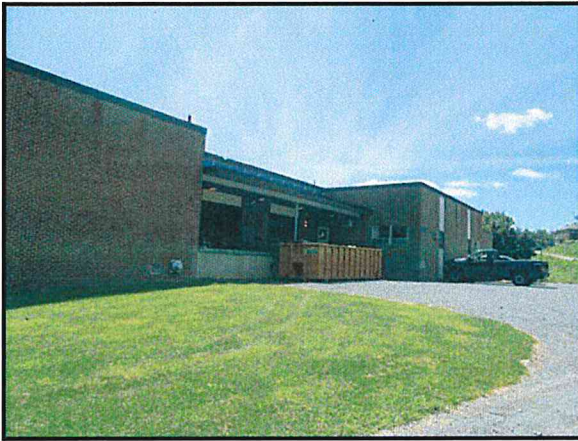
BUILDING #32: Boiler Plant



This one story 4,785 square foot structure that contains three coal fired boilers to heat the entire campus. According to the institutional safety manager, the facility has been taken off-line since they are only minimally heating the buildings. Currently one backup oil fired boiler heats the buildings. The age of this building is unknown. The exterior is brick and the roof is flat rubber membrane. This building was not counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #34: Garage/Maintenance



This building is two stories with the main level offices and maintenance rooms. The lower level has is numerous garage bays.

Building Area:	28,592 square feet on two levels.
Age:	Built in 1961.
Exterior Walls:	Brick.
Roof:	Flat rubber membrane roof.
Alarm:	None.
Cooling:	None.
Plumbing and Lavatory:	Two bathrooms. Copper and PVC piping.
Floor Coverings and Walls:	Floor coverings are cement and VCT (Vinyl Composite Tile). Walls are concrete block.
Ceilings:	Suspend ceiling tiles and exposed metal beams.
Lighting:	Fluorescent lighting throughout.
Doors:	Exterior entrance doors are hollow core metal. There are four 8' x 10' loading dock doors and seven drive-in doors.
Windows:	Hopper style windows.
Elevators:	None.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #34: Garage/Maintenance (continued)

Sprinkler: None.

Basement: None.

Interior Layout: Upper level contains offices, maintenance rooms and bathroom. The lower level contains an employee room, bathroom and seven garage bays.

Effective Age: Approximate age of the building is 55 years with this type of building having a total economic life of 40 years according to Marshall and Swift Cost Service. Based on the overall condition and the general maintenance the building has received, it is our opinion that the effective age of the building is 15 years, with a remaining economic life of 25 years.

Physical Condition: Overall condition of this building is considered average/good and was counted in usable square footage.

DESCRIPTION OF THE IMPROVEMENTS

BUILDING #35: Pump House



A one story 1,125 square foot building formerly utilized as the pump house. This building is no longer in operation and is brick with has an asphalt shingle roof. The condition rating is poor and was not counted in overall usable square footage.

There are four barn outbuildings that were in fair condition and not counted in overall usable square footage. The combined size of these buildings is 11,397 square feet.



DESCRIPTION OF THE IMPROVEMENTS

CONCLUSION

Below is a brief overview of the existing buildings, overall condition and square footage. The usable square footage was also listed and determined to be 467,969 square feet.

#	Name	Condition	Square Footage	Usable Square Footage
1	Administration	Average	75,522	75,522
2	Stewart	Average	9,563	9,563
3	Edgar	Fair/Average	18,360	
4	Psychology	Poor	18,360	
5	Ritter	Average	16,068	16,068
7	Medical Services	Average	27,726	27,726
10	Shuttle Cottage	Average/Good	15,903	15,903
13	Hillcrest	Poor	26,446	
	Nagle, Lang, McGinnis, Osborne, Main Buildings, Main Dining Room, Auditorium, Chapels, Old Dietary			
14-24	Kitchen	Average	251,772	251,772
	Laundry/Dietary			
25	Office/V.A.S.	Average	9,804	9,804
	Main Kitchen and			
26	Dining Room	Average	15,090	15,090
27 &	Refrigeration Shop and			
30	Main Storeroom	Average	17,656	17,656
28	Industrial Shops	Fair/Average	14,022	
29	Recreation Complex	Fair/Average	24,696	
31	Electric Shop	Fair	8,060	
32	Boiler Plant	Fair	4,875	
34	Garage/Maintenance	Average/Good	28,592	28,592
35	Pump House	Fair	1,125	
	Farm Buildings	Fair	<u>11,397</u>	
			595,037	467,696

In conclusion, the Allentown State Hospital is a unique property, with both positive and negative marketing features. Architectural design is aesthetically appealing. This type of large campus setting with historic buildings is somewhat unique to institutional uses such as hospitals or universities.

DESCRIPTION OF THE IMPROVEMENTS

CONCLUSION

Beyond its aesthetic appeal, some of the more positive qualities include:

- Many of the buildings are ADA compliant and have received good maintenance. The overall condition rating of the buildings ranges from average/good to poor. Most of the buildings are what would be classified as average.
- 9 of the 28 buildings are detached buildings which would appeal to subdivision as standalone properties.
- New windows have been installed in some of the buildings.
- Central air conditioning has been installed in some of the buildings.
- The roofs have been continuously maintained.
- Many of the buildings have basements which provide additional usable area.
- Good on-site parking is available.
- Panoramic views.
- Attractive urban location.
- Underground tunnels system which connects many of the buildings will create demolition challenges.

With this type of setting comes additional development costs not typically found in other re-use projects such as:

- Buildings are not individually subdivided.
- All buildings share a common heat, electric and water source.
- The road system connecting the buildings are not public roads.
- Noise from neighboring railroad hump yard.

Exhibit D

August Review Form



Pennsylvania
Historical & Museum
Commission

PROJECT REVIEW FORM

Request to Initiate SHPO Consultation on
State and Federal Undertakings

SHPO USE ONLY

DATE RECEIVED: 8/17/18

ER NUMBER: 2018-0762-077-B

REV: 5/2012

SECTION A: GENERAL PROJECT INFORMATION

Is this a new submittal? ☒ YES ☐ NO OR ☐ This is additional information for ER Number:

Project Name DGS 0501-0022 Phase 1 (Demolition of Allentown State Hospital) County Lehigh

Project Address 1600 Hanover Ave.

City/State/ Zip Allentown PA 18109 Municipality City of Allentown

SECTION B: PRIMARY CONTACT INFORMATION

Name Wayne Tarvin Phone 717-843-3200

Company SAA Architects Fax 717 699-0205

Street/P.O. Box 600 North Hartley St. Email wtarvin@saaarchitects.com

City/State/Zip York PA 17404

SECTION C: PROJECT DESCRIPTION

This project is located on: (check all that apply) ☐ Federal property ☒ State property ☐ Municipal property ☐ Private property

List all Federal and State agencies and programs (funding, permits, licenses) involved in this project	Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)
	State	PA Dept General Services	DGS 0501-0022

Proposed Work – Attach project description, scope of work, site plans, and/or drawings

Project includes (check all that apply): ☐ Construction ☒ Demolition ☒ Rehabilitation ☐ Disposition

Total acres of project area: 217 Ac Total acres of earth disturbance: approx. 100 AC

Are there any buildings or structures within the project area? ☒ Yes ☐ No Approximate age: 106 years

This project involves properties listed in or eligible for listing in the National Register of Historic Places, or designated as historic by a local government

Yes	No	Unsure	Name of historic property or historic districts
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	

Please print and mail completed form and all attachments to:

PHMC
State Historic Preservation Office
400 North St.
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120-0093

Attachments – Please include the following information with this form

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Map – 7.5' USGS quad showing project boundary and Area of Potential Effect |
| <input checked="" type="checkbox"/> | Description/Scope – Describe the project, including any ground disturbance and previous land use |
| <input checked="" type="checkbox"/> | Site Plans/Drawings – Indicate the location and age, if known, of all buildings in the project area |
| <input type="checkbox"/> | Photographs – Attach prints or digital photographs showing the project site, including images of all buildings and structures keyed to a site plan |

SHPO DETERMINATION (SHPO USE ONLY)

SHPO REVIEWER:

- | | |
|--|---|
| <input type="checkbox"/> There are NO HISTORIC PROPERTIES in the Area of Potential Effect | <input type="checkbox"/> The project will have NO ADVERSE EFFECTS WITH CONDITIONS (see attached) |
| <input type="checkbox"/> The project will have NO EFFECT on historic properties | <input type="checkbox"/> SHPO REQUESTS ADDITIONAL INFORMATION (see attached) |
| <input type="checkbox"/> The project will have NO ADVERSE EFFECTS on historic properties: | |

Barbara Fredrick
Historic Preservation Specialist
Pennsylvania Historic & Museum Commission
400 North Street
Commonwealth Keystone Building
Second floor
Harrisburg PA, 17120-0093

August 7, 2018

Re: DGS 0501-0022 Phase 1

SAA Architects, Inc.
600 North Hartley Street
Suite 150
York PA 17404
T 717.843.3200
F 717.699.0205
www.SAAarchitects.com

Mark D. Shermeyer
AIA, NCARB, LEED® GA
Danika R.S. Dallam
RA, NCARB, LEED® GA

Dear Barbara,

We are beginning a project with DGS for the Demolition of Allentown State Hospital, 1600 Hanover Street, Allentown, Leigh County, PA. A description of the project follows.

This project involves removal of all 35 buildings and below grade utility tunnels thru-out the site, most of which were constructed in the late 1920's and most have been vacant and unmaintained since 2010. The attached key plan A-100, provides location of these buildings on the campus.

Please let me know if you have any questions.

Sincerely,



Wayne Tarvin
Project Manager

Site Location Map

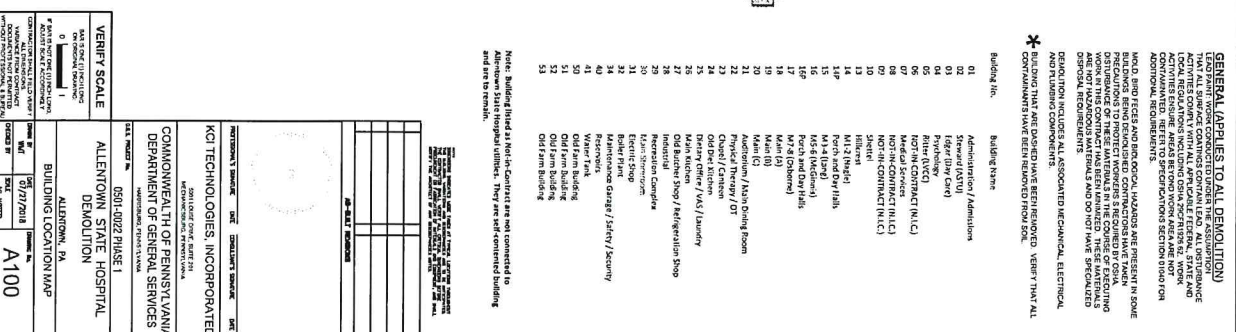


Exhibit E

SAA Letter

Barbara Fredrick
Historic Preservation Specialist
Pennsylvania Historic & Museum Commission
400 North Street
Commonwealth Keystone Building
Second floor
Harrisburg PA, 17120-0093

August 7, 2018

Re: DGS 0501-0022 Phase 1

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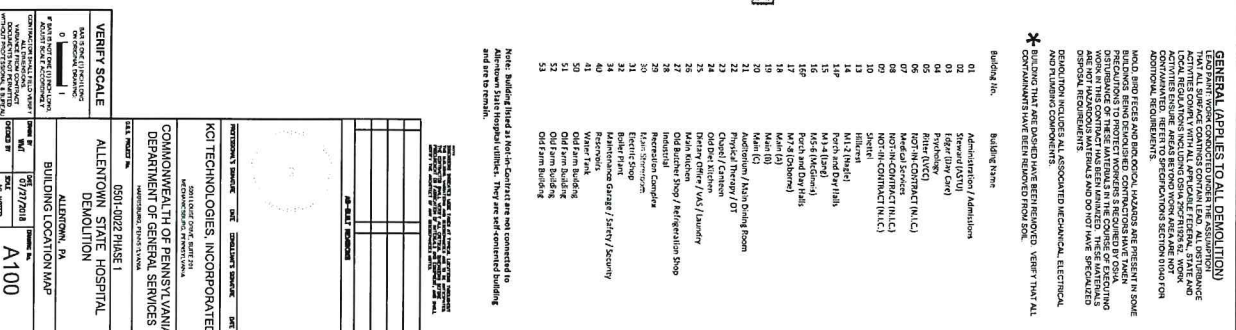
Please let me know if you have any questions.

Sincerely,



Wayne Tarvin
Project Manager

Site Location Map



DRAWINGS ARE FOR ENVIRONMENTAL INVESTIGATION ONLY

Exhibit F

December 3rd Letter



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

300 NORTH STREET

HARRISBURG, PENNSYLVANIA 17120-0024

www.phmc.state.pa.us

EXECUTIVE DIRECTOR

December 3, 2018

Wayne Tarvin
SAA Architects
600 North Hartley Street
York, PA 17404

Andrew L. Lick DGS Real Estate Property Coordinator
Department of General Services, Bureau of Real Estate
401 North Street
Harrisburg PA 17125

RE: ER 2018-0762-077-B and C: DGS Proposed Disposition and Demolition of the Allentown State Hospital, Lehigh County

Dear Mr. Tarvin and Mr. Lick:

Thank you for the information on the proposed disposition demolition of Allentown State Hospital. Our office was notified of the planned disposition in February of this year. Based on follow up conversations with DGS and DHS, we understand that plans for disposition and demolition of the site are underway. Therefore, consideration of alternatives for adaptive reuse and rehabilitation of the complex is not feasible. Review of future redevelopment of the property is not addressed as part of this review.

Above Ground Resource Comments

As noted in our letter of March 12, 2018, Allentown State Hospital (Key No. 001212) was determined to be eligible for listing in the National Register of Historic Places in 1984 as part of a survey of state health care facilities in Pennsylvania. SHPO staff visited the site in 2018 and confirmed the property retains integrity and should be considered eligible for listing in the National Register.

The demolition of the hospital complex will adversely affect the property as it will no longer be able to convey its historic and architectural significance. Therefore, it is necessary to consider ways to mitigate for the loss of integrity of the resource.

As mitigation for the planned disposition and demolition of the hospital property, we have consulted with DGS and DHS and propose the following three mitigation measures:

1) Salvage

Prior to demolition DGS, SHPO, State Museum of Pennsylvania and Allentown Preservation League will identify artifacts and architectural elements of or in each building that may be feasible to salvage for donation to either the State Museum of Pennsylvania or the Allentown Preservation League. We would suggest a site visit to photograph and develop the list of desired items and discuss which are feasible for

salvage. The list and photos can then be keyed to notes on drawings to be provided to the demolition contractor. A plan for transfer of the salvaged items should be developed during the site visit.

2) Documentation of Allentown State Hospital

This should include preparation of photographs of existing conditions at Allentown State Hospital prior to demolition. SHPO staff made a site visit to the property in March of 2018 and will organize and label photographs taken then for inclusion in CRGIS, the SHPO's online inventory of identified cultural resources. We also request DGS provide any available recent photographs of the buildings in digital format for inclusion in CRGIS.

3) Documentation and evaluation of the National Register significance of the remaining state hospitals and centers under DHS operations

We understand this will be carried out as a separate effort from the salvage and documentation of Allentown State Hospital. We would like to request a meeting to discuss this effort, as outlined in the attached scope of work.

Archaeological Comments

In our letter of March 12, 2018, our office requested a Phase I archaeological survey. In subsequent discussions, we asked for information on existing and proposed ground disturbance associated with proposed project. Based on the additional information provided, we understand the ground disturbance associated with the disposition will largely be limited to the removal of underground tunnels. Based on this supplemental information it is our opinion that no archaeological resources will be affected by this project.

If you need further information concerning above ground resources, please contact Barbara Frederick at bafrederic@pa.gov or (717) 772-0921. If you need further information regarding archaeological resources, please contact Douglas McLearn at dmclearen@pa.gov or (717) 772-0925.

Sincerely,



Andrea Lowery
Executive Director

cc: Lauren Golden, Allentown Preservation League
Curt Miner, PHMC State Museum



DRAFT Request for Proposals, Documenting the Significance of the Remaining State Centers and Hospitals in Pennsylvania

Project Information

The Pennsylvania State Historic Preservation Office (SHPO) is seeking qualified consultants to document and evaluate the National Register eligibility of the remaining state hospitals and centers operated by the Department of Human Services. This documentation will allow for a more comprehensive understanding and analysis of the remaining state hospital as well as record existing conditions prior to any changes. This documentation is being prepared as part of the proposed demolition of the Allentown State Hospital under review by the SHPO office as authorized by the Pennsylvania History Code.

Background

In 1983/1984, the PHMC contracted the Brandywine Conservancy to undertake a comprehensive historic sites survey of institutions administered by the Department of Public Welfare. The purpose was to identify those buildings and/or complexes of architectural or historical merit and to assemble photographs and other information for use by the PHMC in the evaluation of the eligibility of these complexes for National Register eligibility. The survey included preparation of a preliminary research report and field survey. The field survey focused on the most architecturally notable or historically important buildings in each complex. Based on the results of the report, PHMC worked with the contractor to identify complexes for further field survey. As a result of the study, 22 facilities were examined, and many received determinations of eligibility. In 2001, PHMC published a history of the state mental hospitals entitled "The Physician, the Philanthropist, and the Politician." In 2012, SHPO staff examined the remaining state hospital population through a desktop review of current and historic aerials and examination of the SHPO resource files and developed a list entitled "Most Intact State Hospitals in Pennsylvania". Previous documentation in the SHPO files specific relevant to this study is included in Attachment A.

In 2018, 12 facilities remain in use and require updated documentation to assist in future management decisions.

Existing Documentation

Included in Attachment A is a summary of information available in the SHPO's files on the 12 centers and hospitals that will require documentation.

Updated Documentation

This effort will result in new or updated Pennsylvania Historic Resource Survey Forms (HRSF) for the remaining state hospitals and centers. Some of these properties were previously documented and evaluated as part of the 1980s study and require updates to confirm National Register eligibility status since significant time has passed. There have been losses of the greater state hospital population and it is necessary to reexamine those properties previously determined not eligible within the context of the remaining state hospital population. Other properties not previously documented as part of the 1980s study will require documentation and evaluation. The completed research will be reviewed and disseminated by SHPO staff to local preservation interests for their review and comment. We anticipate the following tasks as part of this effort:

Background Research

Prior to initiating fieldwork, it is anticipated background research will be conducted to gain an overall understanding of development of the properties. This will include a review of relevant documentation (local histories, historic mapping, newspaper clippings, administrative records, etc.) in the State Archives in Harrisburg and local repositories. Sanborn Fire Insurance Maps (available through Penn State), historic aerial mapping, and other historic mapping will be reviewed and collected for inclusion in the survey documentation. Telephone and email coordination with staff of the facilities is also anticipated as they may have relevant resources including historic photographs, plans, and administrative records in their collection.

Developmental History/Historical Narrative

The purpose of the developmental history is to provide a foundation for understanding the potential historic and architectural significance of the remaining state hospitals and centers. A written account of how each property developed and how it reflects local, state, and national history will be prepared. This history will address the architectural and historical development of each property how the design of the buildings, their interrelationship, and overall plan reflect historic function. For each property, the history will identify the architect(s), how the hospital reflects the architect(s) body of work, and the potential architectural significance of the facility. Trends in health care management should also be addressed. Comparative property types will be identified as part of the developmental history. Dates or date ranges significant to each property will be provided. Copies of historic photographs, architectural plans, or other primary source documentation useful to illustrating the historical development and significance of the property will be included in the developmental history.

Field Survey, Physical Description and Photographic Selection

The field survey will collect information on the layout of each property, its buildings and structures and related features (landscaping, wall, gate, tunnels, etc.). Photographic documentation of the complex will overalls conveying the relationship between buildings, landscape features, and exteriors and interiors of each building. Following the field survey, a physical description will be prepared. A site plan with buildings' function and dates labeled and a photographic location map will be prepared for each property (exterior only). Descriptions and views for the selected photographs will be provided.

Historic Resource Survey Form/Inventory

A Historic Resource Survey Form (HRSF) will be prepared in accordance with *How to Complete the Historic Resource Survey Form* (November 2014)

http://www.phmc.pa.gov/Preservation/About/Documents/How_to_Complete_PA_HRSF.pdf and the guidance provided therein. The HRSF will also need to provide a National Register eligibility assessment to establish why each property is or is not historically and architecturally significant as a historic district. For eligible properties, a boundary recommendation and discussion of contributing and non-contributing resources and features is required. The proposed boundary should be provided on a USGS map and the inventory of contributing and non-contributing resources should be completed in a format agreed upon in consultation with SHPO CRGIS staff.

Cultural Resource Management Recommendations

For those hospital complexes identified as eligible for listing in the National Register during the updated documentation effort, SHPO is requesting a report that will prioritize the historic and architectural value of the complexes as well as the buildings that remain in the complexes. The intention is to identify those complexes, buildings and features that warrant the greatest levels of

consideration for preservation, either individually (e.g., as an example of the work of a notable architect) and/or as part of a historic district. For each of the eligible complexes, the study should also identify those portions of the complex where change (redevelopment, new construction, demolition, etc.) could be more easily accommodated and have less of an effect on the district's integrity.

DRAFT

Proposals

Proposals should include:

- A brief overview of company, location of office(s), and lead staff.
- Description of the firm's experience in historic preservation and ability to meet schedule.
- Detail as to which staff will be assigned to this project and in what capacity, including qualifications. Consultants must meet the appropriate SOI Professional Qualification Standards.
https://www.nps.gov/history/local-law/arch_stnds_9.htm
- Name, address and telephone number of three project references for similar work completed. Also, a brief description of each project scope including size and nature of work.
- Proposed methodology and detailed discussion of the firm's approach to accomplish each task. Include the organization and management plan for the project. If consultant plans to use subcontractors, explain their roles in carrying out the project.
- Suggestions submitted to enhance and/or amend the scope of work and additional details of the approach and methods to carry out the task.
- Work schedule estimating time frames to complete the project, organized by milestone and/or activities.
- Estimated cost for each phase and task, not to exceed amounts outlined in this document.
- Suggestions to improve on timeframes or approaches outlined in this document are welcome.
- Proposals are due via email to [<insert name and date>](#)

Selection Criteria

The successful proposal will be selected using the following criteria:

- General quality and responsiveness of proposal
- Qualifications of key personnel
- Documented past performance completing similar work
- Ability to complete task(s) within defined timeframe

Proposals will be competitively judged on the quality and value of the proposed work and adherence to each task budget.

ATTACHMENT A: Contents of SHPO Resource File for Extant State Hospitals and Centers

<to be compiled>

DRAFT

Summary of Existing Documentation in SHPO Files and Required Documentation

STATE CENTERS

Not Previously Identified, Requires Documentation and Evaluation:

- *Ebensburg Center, 4501 Admiral Peary Highway, Ebensburg, Cambria County*
- *White Haven Center, 827 Oley Valley Road, White Haven, Luzerne County*

Previously Determined Eligible, Requires Updated Documentation and Evaluation:

- *Hamburg State Hospital, Old Route 22, Hamburg, Windsor Township, Berks County (Key No. 064465), Determined Eligible by PASHPO in 1984*
- *Polk Center, 1 Lakewood Circle North, Polk Borough, Venango County (Key No. 064468 & 094117), Determined Eligible by PASHPO in 1984*

Previously Determined Not Eligible, Requires Updated Evaluation:

- *Selinsgrove Center, 1000 Route 522, Selinsgrove, Penn Township, Snyder County (Key No. 064466), Determined Not Eligible by PASHPO in 1984, Documented by PASHPO desktop review, historic aerials, inventory - 2012*

STATE HOSPITALS

Previously Determined Eligible, Requires Updated Documentation and Evaluation:

- *Clark Summit State Hospital, 1451 Hillside Drive, Summit Newtown Township, Lackawanna County (Key No. 000453), Determined Eligible in 2008*
- *Danville State Hospital, 200 State Hospital Drive, Danville, Mahoning Township, Montour County (Key No. 106692), Determined Eligible in 1994, Danville State Hospital building # 16/Oakwood (Key No. 086730) – determined eligible in 1986, Danville State Hospital Buildings No. 31 & 33 (Key No. 086729) – determined eligible in 1986, Danville State Hospital Buildings No. 18 & 18.1 (Key No. 086731) – determined eligible in 1986, Documented by PASHPO desktop review, historic aerials, inventory - 2012*
- *Norristown State Hospital, 1001 Sterigere Street, Norristown, Multi-Municipalities, Montgomery County (Key No. 114264), Determined Eligible in 2008, Documented by PASHPO desktop review, historic aerials, inventory – 2012*
- *Torrance State Hospital, 121 Longview Drive, Derry Township, Westmoreland County (Key No. 097405), Determined Eligible 2004, Documented by PASHPO Desktop review, historic aerials, inventory - 2012*
- *Warren State Hospital, 33 Main Drive, Warren, Conewago Township, Warren County (Key No. 096920), Determined Eligible in 1984, Documented by PASHPO desktop review, historic aerials, inventory - 2012*
- *Wernersville State Hospital, 160 Main Street, Wernersville, South Heidelberg Township, Berks County (Key No. 084964), Determined Eligible 1984 and again in 2009, Documented by PASHPO desktop review, historic aerials, inventory – 2012*

Not Previously Evaluated, Requires Documentation and Evaluation:

South Mountain Restoration Center, 10058 South Mountain Road, Quincy Township, Franklin County (Key No 205731), Documented in CRGIS in several sections but undetermined, Documented by PASHPO desktop review, historic aerials, inventory – 2012

A copy of the existing information available in the SHPO files is attached to this document

Exhibit G

Bid



Supplier Service Center

Bureau of Procurement

[> admin login](#)[e-mail](#)

Solicitations

[< Back](#)

ADVERTISEMENT INFORMATION

General Information

Department for this solicitation: Procurement**Date Prepared:** 11/30/18**Types:**

RFP

Advertisement Type: ☐ Service ☐ Materials ☐ Service & Materials ☒ PW Construction ☐ Agency Construction ☐ Real Estate**Solicitation/Project#:** C-0501-0022 Phase 1**Solicitation/Project Title:**

Demolition of Buildings/Structures

Description: This ADVANCED NOTIFICATION will be a REQUEST FOR PROPOSAL for a DESIGN BUILD CONTRACTOR.

PROJECT TITLE: Demolition of Buildings/Structures at Allentown State Hospital, Lehigh County, Allentown, Pennsylvania.

SCOPE OF WORK OF THE PROJECT: The project scope includes demolition of approximately 38 Buildings/Structures and work generally consists of termination of utilities, Hazmat abatement, buildings/structures demolition, back filling and site restoration. Included in the project will be maintaining access throughout the project to a neighboring parcel owned by Community Services for Children through the property where the buildings/structures are to be demolished. Additionally, the RFP documents for the project will include a list of items that have been determined to have historic value, with those items to be removed by the awarded vendor and presented to PHMC upon removal from the buildings to be demolished.

ESTIMATED RANGE: Above \$15,000,000.00

THE SOLICITATION DATES AND TIMES INDICATED BELOW ARE FICTITIOUS AND WILL BE UPDATED WHEN THE FORMAL SOLICITATION IS RELEASED.

Department Information

Department/Agency: General Services**Delivery Location:**

Allentown State Hospital

County: Lehigh**Duration:**

510 Calendar Days

Contact Information

First Name: Brian**Last Name:** Hunsberger**Phone Number:** 717-783-0495
(XXX-XXX-XXXX)**Email:** bhunsberge@pa.gov

Solicitation Information

Bids must be received by the purchasing agency on the Solicitation Due Date no later than the Solicitation Due Time as set forth in the solicitation. Any conflict between the dates and/or times contained in the solicitation itself or its attachments and this advertisement shall be resolved in favor of the solicitation.

Solicitation Start Date: 11/30/18**Solicitation Due Date:** 04/01/19**Solicitation Due Time:** 2:00 PM**Solicitation Opening Date:** 04/01/19**Solicitation Opening Time:** 2:00 PM**Opening Location:****No. of Addendums:** 0**Amended Date:** 11/30/18

Related Solicitation Files

[Print Advertisement](#)[Cancel and Return To Search](#)

Go to Solicitation Tabulations No Tabulations exist for C-0501-0022 Phase 1.

Go to Awards No Awards exist for C-0501-0022 Phase 1.

Go to Contracts No Contracts exist for C-0501-0022 Phase 1.

Exhibit H

Request for Information



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Pennsylvania Department of General Services (Attn: AORO)

Date of Request: March 20, 2019 Submitted via: ☒ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Name: Zach Koslap Company (if applicable): Manko Gold Katcher & Fox

Mailing Address: 401 City Ave., Suite 901

City: Bala Cynwyd State: PA Zip: 19004 Email: zkoslap@mankogold.com

Telephone: (484) 430-2330 Fax: _____

How do you prefer to be contacted if the agency has questions? ☒ Telephone ☒ Email ☐ U.S. Mail

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.*

Any and all documents related to the Allentown State Hospital (1600 Hanover Ave., Allentown, PA) (the "Property"), including: (1) the agreement of sale between the Department and TCA Properties, L.P., as has been authorized by the Pennsylvania General Assembly in the Act of Dec. 22, 2017, P.L. 1268, No. 82 (the "Act"), including any documents and communications related to negotiating the terms of the agreement of sale; (2) any analysis of the Department's legal obligations and authorizations under the Act; (3) any appraisals or determinations of the fair market value of the Property; (4) any plans. . . (continued on back)

DO YOU WANT COPIES? ☒ Yes, electronic copies preferred if available
☐ Yes, printed copies preferred
☐ No, in-person inspection of records preferred (*may request copies later*)

Do you want certified copies? ☐ Yes (*may be subject to additional costs*) ☒ No
RTKL requests may require payment or prepayment of fees. See the [Official RTKL Fee Schedule](#) for more details.

Please notify me if fees associated with this request will be more than ☒ **\$100 (or)** ☐ **\$_____.**

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: \$_____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

*NOTE: In most cases, a completed RTKL request form is a public record.
More information about the RTKL is available at <https://www.openrecords.pa.gov>*

Form updated Nov. 27, 2018

(continued from the first page) . . . for the development of the Property; (5) any plans or proposed plans for or documents related to the planned demolition of the Allentown State Hospital; (6) any communications with the Pennsylvania State Historic Preservation Office; and (7) any communications with the Allentown Preservation League.

Exhibit I

Letter Dated March 28, 2019

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

Shoshana (Suzanne Ilene) Schiller

484-430-2354

sschiller@mankogold.com

Admitted in PA, NJ and CA

401 CITY AVENUE, SUITE 901

BALA CYNWYD, PA 19004

TEL: 484-430-5700

FAX: 484-430-5711

WWW.MANKOGOLD.COM

March 28, 2019

Via Overnight Mail

Andrew L. Lick, Real Estate Property Coordinator

The Department of General Services

Bureau of Real Estate

401 North Street, 503 North Office Building

Harrisburg, PA 17125

*CHERRY HILL, NJ

**HONOLULU, HI

PHILADELPHIA, PA

by appointment only

**Partner responsible – John F. Gullace*

***Partner responsible – Brenda H. Gotanda*

Re: Allentown State Hospital – 1600 Hanover Avenue, Allentown, Pennsylvania

Dear Mr. Lick:

This office represents Nat Hyman, a resident of Allentown who has a significant interest in, and is committed to, the preservation of historic structures in his hometown. We are writing with regard to the disposition of the Allentown State Hospital (“Hospital”), located at 1600 Hanover Avenue in Allentown, Pennsylvania (“Property”), which was deemed eligible for placement on the National Register of Historic Places in 1984. We understand that on November 30, 2018, the Department of General Services (“Department”) began soliciting bids expecting to cost the Commonwealth at least Fifteen Million Dollars (\$15,000,000) to demolish approximately thirty-eight (38) buildings and structures which comprise the Hospital, purportedly to effectuate the conveyance of the Property to TCA Properties, L.P. (“TCA”). However, while conveyance of the Property was authorized by the General Assembly through the Act of Dec. 22, 2017, P.L. 1268, No. 82 (the “Act”), the Act specified that the conveyance of the land was to be made “together with any **buildings, structures or improvements** thereon.” Accordingly, demolishing the Hospital buildings is in direct contravention of the Act. On behalf of Mr. Hyman, we hereby demand that the Department comply with the Act, and cease any and all activities related to the demolition of the Hospital, and terminate, rescind, or cease negotiations of any agreement to convey the Property that assumes or is contingent on the Hospital’s demolition.

Properties eligible for the National Register, such as the Hospital, contain “a quality of significance in American history, architecture, archeology, engineering, and culture,” and possess “integrity in location, design, setting, materials, workmanship, feeling, and association.” 36 C.F.R. § 60.4. As recently as last year, the Pennsylvania State Historic Preservation Office (“SHPO”) confirmed that the Hospital retains its integrity and should still be considered eligible for listing in the National Register. SHPO communicated these findings to the Department in a

Andrew L. Lick, Real Estate Property Coordinator

March 28, 2019

Page 2

letter dated March 12, 2018 ("Letter"). In the Letter, SHPO declared that "due to the overall condition and general maintenance" of the Hospital buildings, the Hospital "may be viable for rehabilitation and reuse." In fact, SHPO determined that a real estate market analysis may conclude that the highest and best use of the Hospital would "support a combination of adaptive reuse and redevelopment."

As noted above, demolition of the Hospital by the Department is contrary to and in violation of the express language of the Act. Demolition of the buildings would also permanently and irreplaceably destroy a valuable historical and architectural resource in the City of Allentown and the Commonwealth. By breaching the Act's requirement to convey the Property "with any buildings, structures or improvements thereon," the Department would unlawfully eradicate a significant resource of American history and architecture. Furthermore, such demolition would fail to achieve the highest and best use of the Hospital, and ultimately waste at least Fifteen Million Dollars (\$15,000,000) of taxpayer money. Accordingly, within ten (10) days of receipt of this letter, we hereby demand that the Department confirm that it will cease any and all activities related to the demolition of the Hospital, and take steps to terminate any existing agreement for such demolition and any agreement for the sale of the Property that is contingent on the demolition of the Hospital. Going forward, we further demand that the Department convey the Property with the Hospital buildings standing and intact, in accordance with the Act.

I look forward to hearing from you within ten (10) days so that we can determine if additional steps need to be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Shoshana Schiller". The signature is fluid and cursive, with the first name "Shoshana" and last name "Schiller" clearly distinguishable.

Shoshana (Suzanne Ilene) Schiller
For MANKO, GOLD, KATCHER & FOX, LLP

SIS/dem

cc: Nat Hyman